

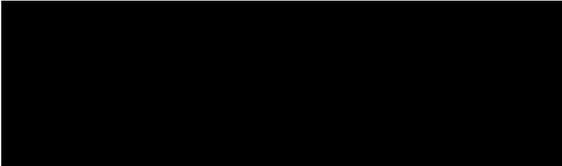
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



L2

FILE:



Office: NATIONAL BENEFITS CENTER

Date: JUN 10 2005

IN RE:

Applicant:



APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant indicates that he is seeking derivative status under the provisions of the LIFE Act because of his father's eligibility.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (CSS), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (Zambrano). See 8 C.F.R. § 245a.10. In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. See 8 C.F.R. § 245a.10.

Along with his LIFE application, the applicant submitted a copy of his father's: 1) Form I-687 Application for Temporary Resident Status under section 245A of the Immigration and Nationality Act signed on October 13, 1991; 2) appointment notice purportedly from the Los Angeles District Office dated February 14, 1991 informing the applicant's father of an interview dated on July 12, 1991; 3) letter from Catholic Charities regarding the LIFE Act; and 4) Affidavit for Determination of Class Membership.

The record contains an unsigned statement from the applicant, which reads:

My application for the LIFE Act is base[d] on the fact that my father was the one that applied and was turn[ed] down by the officer at the Immigration office at the office in Soto St. He was told he did not qualify because he left the U.S.A. while processing and that disqualified him. He is not able to apply himself because my mother just past away [passed] and my father has to stay home to raise my little brother and he ask[ed] me to apply so I can help the family.

Based on the applicant's statement, and the fact that the director reviewed Citizenship and Immigration Services records, but was unable to establish any record that the applicant's father had filed a timely written claim to class membership, the applicant cannot qualify for permanent residence as a derivative benefit under section 1104 of the Act.

Given his inability to meet this requirement, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.