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U.S. Department of Homeland Security
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE:  Office: NATIONAL BENEFITS CENTER Date: DEC 21 2003

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).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

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, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she 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 states that she does not know why a record can not be found for her husband. According to the applicant, he was issued a deportation order two years ago. The applicant claims that she does not know where he is now, but she knows he received permanent residence. The applicant states that she is basing her appeal on this and the fact that she is his wife.

An applicant for permanent resident status under section 1104 of 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 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. That same regulation provides that, in the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988.

The applicant has not provided evidence of having applied for class membership. She bases her claim for benefits under the LIFE Act on her husband's purported application for class membership. The applicant provided a personal letter, a letter from the Yavapai County Attorney, a Form G-325A Biographic Information, receipts, and copies of her marriage license and her children's birth certificates and social security cards.

The applicant stated that she was providing information on her husband's application [REDACTED] which he submitted on September 22, 1987. However, she failed to do so.

Furthermore, a check of the applicant's record, as well as a review of the applicant's husband's records under [REDACTED] fails to establish that he is a legal resident. Citizenship

and Immigration Services (CIS) records show that [REDACTED] represents the applicant's husband's application for temporary resident status as a special agricultural worker. This application was denied on December 27, 1991. The decision was appealed and the appeal was denied on August 23, 1995. An alien whose legalization application was timely filed and accepted would not therefore have had a need to join a lawsuit with those who were not permitted to apply. The applicant's husband filed an application and received a decision on it. He was not denied the opportunity to do so, which is what the legalization class-action lawsuits related to.

Given her failure to document that she or her spouse filed a written claim for class membership, 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.