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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 28th Fl., 3/F  
425 I Street N.W.  
Washington, D.C. 20536



FILE:



Office: National Benefits Center

Date:

NOV 18 2003

IN RE: Applicant:

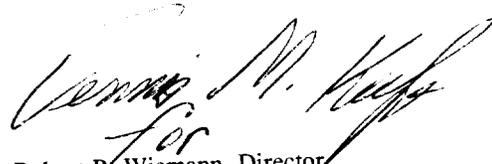


APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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.

  
For  
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 indicates that she had derivative benefits under the provisions of the LIFE Act because her husband applied for class membership in the Zambrano legalization class-action lawsuit. The applicant further indicates that she is submitting a copy of correspondence to show that her husband is a class member.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (Zambrano)*, 509 U.S. 918 (1993). 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 regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant did not submit any relevant document. With her application for permanent residence under the LIFE Act, in response to the notice of intent to deny, and now on appeal, the applicant has continuously asserted she had derivative benefits under the provisions of the LIFE Act because her husband applied for class membership in the Zambrano legalization class-action lawsuit and that she was providing a copy of correspondence that would establish that her husband was a Zambrano class member. However, a review of the record of proceedings reveals that the applicant has never submitted a copy of the alleged correspondence demonstrating

that her husband was a Zambrano class member. Furthermore, it must be noted that the applicant's husband, [REDACTED], file number [REDACTED] filed a LIFE Act application that was denied by the director because he failed to document that he filed a written claim for class membership in one of the requisite legalization class-action lawsuits. The record shows that the applicant's husband filed an appeal to the denial of his LIFE Act application, and this appeal was dismissed by the AAO.

Given the applicant's failure to document that either 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.