

LA

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

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



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

File:

Office: NATIONAL BENEFITS CENTER

Date: OCT 29 2000

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:

**PUBLIC COPY**

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 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 states that he wishes to be considered as eligible for permanent resident status under the LIFE Act as a class member in both the *CSS v. Reno* and *Proyecto San Pablo* class-action lawsuits.

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*, 509 U.S. 918 (1993). 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 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. See 8 C.F.R. § 245a.10.

The applicant failed to submit any documentation addressing this requirement when the application was filed. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. On his LIFE application, the applicant indicated he was applying along with his spouse. However, according to the applicant's Form G-325A, Record of Biographic Information, submitted along with his application, he and his wife were not married until January 2001. As noted in the director's decision, the requisite family relationship to his spouse did not exist as of May 4, 1988 -- the termination of the application period for temporary resident status under section 245A of the Immigration and Nationality Act (INA).

On appeal, the applicant asserts that, while he and his spouse were not married in a civil ceremony until January 2001, they have nevertheless been in a "common law" relationship since prior to May 1987. However, even if Citizenship and Immigration Services (CIS) were to accord validity to the applicant's claim to common law

marriage, there is no indication in the record of proceedings or in CIS records that the applicant's spouse has ever filed a written claim for class membership or has applied or been granted permanent resident status under the LIFE Act. As such, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10. Given his inability to meet this requirement, along with his failure to establish having filed a timely 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.