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U.S. Department of Homeland Security

Citizenship and Immigration Services

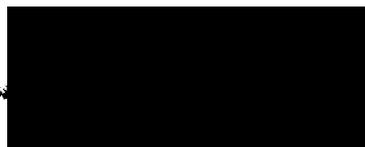
ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 MASS, 3/F  
425 I STREET, N.W.  
Washington, D.C. 20536

SEP 05 2003

FILE:  Office: MISSOURI SERVICE CENTER Date:

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: 

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.

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 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 the denial of her application resulted from a misunderstanding, and that it was her husband, not herself, who had applied for class membership.

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). 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. 8 C.F.R. § 245a.10.

The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g). Furthermore, the regulations require the Service to determine whether an alien filed a written claim for class membership as reflected in Citizenship and Immigration Services' (CIS) indices and administrative files.

The record indicates the applicant submitted a Legalization Front-Desking Questionnaire as evidence of having completed a written claim for class membership. The record also contains a copy of the Notice of Review Decision regarding the questionnaire. In that decision, the Director, Vermont Service Center, indicated that the applicant had signed and dated the questionnaire on July 28, 2000. However, upon further review it appears that the although the applicant appears to have written "7/28/00", in reality she may have written "9/28/00." Regardless, the questionnaire was received by CIS on October 10, 2000, which is after the October 1, 2000 deadline for applying for class membership in any of the requisite legalization class-action lawsuits.



Given the applicant's failure to submit documentation indicating her having filed a timely written claim for class membership, she is ineligible for permanent residence under section 1104 of the LIFE Act on her own.

The applicant states it was her husband who applied for class membership, and indicates she is providing proof of that. However, no documentation relating to a class membership application has been furnished. Therefore, the applicant cannot derive status from her spouse under section 1104 of the LIFE Act.

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