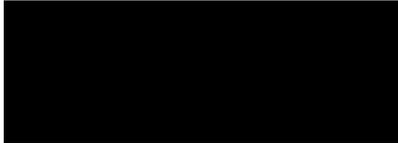


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U.S. Department of Homeland Security  
Citizenship and Immigration Services

**identifying data deleted to  
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invasion of personal privacy**

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



SEP 24 2003

FILE:

Office: NATIONAL BENEFITS 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: 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.

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 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 "I am a 245a category."

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), *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. 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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

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 to the notice of intent to deny or on appeal. On his application, the applicant indicated that his spouse was applying for class membership with him. It is unclear whether the applicant is claiming derivative benefits based on his wife's filing for class membership. However, there is nothing in the record to indicate a claim to class membership had ever been filed by the applicant or his spouse.

It should also be noted that on his Biographic Information Form G-325A, the applicant states that he married his wife on September 11, 2000. Therefore, the requisite relationship to his wife did not exist when she may have attempted to apply for legalization

during the May 5, 1987 through May 4, 1988 period. Consequently, the applicant cannot derive status from his spouse under section 1104 of the LIFE Act. Given his failure to document that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

In addition, the applicant indicated on his Form I-485 LIFE Application that he last entered the United States in January 1, 1989. Furthermore, on the applicant's Form G-325A, he indicated that he resided in Mexico until January 1989. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982 and resided in this country since that date. Therefore, the applicant is unable to meet this requirement as well.

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