

PUBLIC COPY

U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 1 Street, N.W.
Washington, DC 20536

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services



FILE: [Redacted]

Office: National Benefits Center

Date: APR 13 2004

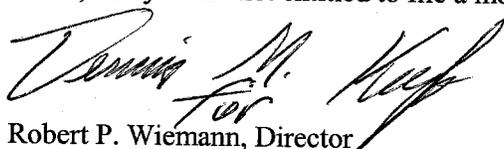
IN RE: Applicant: [Redacted]

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:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 asserts that "I have attached a copy of my correspondence regarding the classification as a Catholic Social Services, Inc." In fact, no correspondence of any kind accompanied the applicant's appeal. The applicant asserts that "I applied and have derivative benefits."

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 one 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) ("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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10. Alternatively, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000. See 8 C.F.R. § 245a.10.

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.

In her LIFE application (Form I-485) the applicant identified CSS as the basis of her eligibility for permanent resident status and indicated that she was claiming derivatively through her husband, [REDACTED]. The applicant has submitted no evidence, however, that she or her husband ever filed a claim for class membership in CSS, or in either of the other two legalization lawsuits. Nor is there any record at Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) that the applicant or her husband ever filed a claim for class membership in CSS or the one of the other legalization lawsuits. In fact, there is no record of any filing by the applicant or her husband until the instant LIFE application was filed on May 20, 2002. That was more than a year and a half after the statutory deadline of October 1, 2000, to file a claim for class membership in CSS, or one of the other legalization lawsuits.

Thus, the applicant has failed to establish that either she or her husband, through whom she asserts derivative benefits, filed a written claim for class membership in CSS, or one of the other two legalization lawsuits, LULAC or Zambrano, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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