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**U.S. Citizenship  
and Immigration  
Services**

[Redacted]

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*  
*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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish (1) that the applicant's husband, through whom she claims derivative eligibility for legalization, had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000, or (2) that the applicant and her husband were married before May 4, 1988, the deadline of the original filing period for legalization (under section 245A of the Immigration and Nationality Act). Accordingly, the director denied the application.

On appeal, the applicant reasserts that she has derivative benefits and states that she was submitting "correspondence regarding the classification as a Catholic Social Services, Inc." In fact, no new materials were submitted with her appeal, and the applicant merely requests that her case be reconsidered.

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.

In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit 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 legalization during the original filing period of May 5, 1987 to May 4, 1988. 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 I-485 application under the LIFE Act, the applicant claimed derivative class member status in CSS through her husband, [REDACTED]. In that companion application, however, the Missouri Service Center found that the applicant's husband failed to establish that he filed a claim for class membership in any of the legalization lawsuits, before October 1, 2000. The AAO is upholding that decision on appeal. The applicant has not submitted any evidence that she or her husband filed a written claim for class membership in CSS prior to October 1, 2000. Nor does Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) have any record of receiving a written claim for class membership in CSS, or either of the other legalization lawsuits, from the applicant or her husband.

Even if there were evidence that the applicant's husband had filed a timely claim for class membership in CSS, the applicant could not claim derivative status as a class member through her husband because they were not married until September 6, 1996. Thus, the marital relationship did not exist prior to the original legalization filing deadline of May 4, 1988, as required by regulation, 8 C.F.R. § 245a.10.

For the reasons discussed above, 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.