



U.S. Citizenship  
and Immigration  
Services

LA

[REDACTED]

AUG 03 2004

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [REDACTED]

PETITION: 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. All documents have been returned to the office that originally decided your case. 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

**PUBLIC COPY**

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 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 she has resided in the U.S. since 1993, and that she is attempting to file for late legalization under the LIFE Act.

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) (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 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 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, she has not provided any documentation regarding that point on rebuttal or on appeal. On her LIFE application, the applicant indicates that he is applying with her husband. However, there is no evidence in Citizenship and Immigration Services (CIS) electronic or administrative records that the applicant's spouse had ever filed a timely written application for class membership. Moreover, even if the applicant's spouse were determined to have applied for class membership, an examination of the record shows that the applicant and her spouse were not married until June 21, 1988. As such, the requisite relationship to her spouse did not exist during the aforementioned May 5, 1987 to May 4, 1988 period for applying for legalization. Therefore, the applicant, in any case, cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

Accordingly, given her failure to document that she *or* her spouse filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is further noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). In her statement on appeal, the applicant specifies that she first came to this country in 1993. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.



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