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Washington, DC 20529



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



**AUG 25 2004**  
Date:

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

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

**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 indicates she is submitting documentation previously submitted by her husband in support of his application for permanent residence 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 indicating that she had filed a timely application for class membership in any of the aforementioned legalization class-action lawsuits. On her LIFE application and in her response to the notice of intent to deny, the applicant specifies that she is applying as a derivative applicant based on her husband's claim to have filed a timely claim to class membership in CSS.

In support of her claim to derivative status, the applicant submits documentation previously submitted by her husband in support of his claim to class membership. This documentation consists of photocopies of a Form for Determination of Class Membership in CSS v. Meese, a corroborative affidavit, and a photocopy of a notice reflecting that he was to be interviewed at the Miami, Florida CIS office regarding the question of his eligibility for class membership in CSS or LULAC. Documentation such as that provided by the applicant's spouse may possibly be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, 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 February 12, 1994. 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 the applicant's failure to establish that she filed a timely written claim for class membership, or that she is eligible as a derivative applicant based on her spouse's having filed a claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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