



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: National Benefits Center Date: **AUG 31 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

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors concluded that the applicant did not establish that she or her husband, through whom she asserts derivative eligibility for LIFE legalization, applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant reasserted that she is eligible for LIFE legalization derivatively through her husband.

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.

As defined in the regulation, an "eligible alien" includes the spouse or child of an applicant for LIFE legalization who attempted to file a legalization application during the original filing period (in 1987-88, under section 245A or the Immigration and Nationality Act), providing the family relationship existed at that time. 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.

The record shows that the applicant's husband, Ignacio Santos Palacios (A93 415 253), filed a LIFE application (Form I-485) on the same day as his wife. The husband's application was also denied by the National Benefits Center on the same day as his wife's for failure to establish that he filed a written claim for class membership before October 1, 2000. There is no record at Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) that the applicant filed a claim for class membership in her own right. No further evidence has been submitted on appeal. Thus, the record fails to establish that the applicant or her husband filed a claim for class membership before October 1, 2000 in CSS, LULAC, or Zambrano, as required under section 1104(b) of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an applicant must establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988. In her LIFE application and the Biographic Information (Form G-325A) that accompanied it the applicant stated that she was married in Mexico on September 22, 1984 and that her first son was born in Mexico on June 2, 1986. Based on this information it appears that the applicant may still have been residing in Mexico as late as 1986. The applicant has not asserted anywhere in the record, much less provided any details, that she entered the United States prior to January 1, 1982. Thus, it is doubtful that the applicant fulfills the statutory requirements of having entered the United States before January 1, 1982 and having resided in this country continuously from before January 1, 1982 through May 4, 1988.

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.