



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

FEB 10 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant:

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

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

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 your case 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, 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 he 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 states that he is "an I-140 member."

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 applicant's LIFE Act application indicated he was applying along with his spouse. However, according to the applicant's Form G-325A, Record of Biographic Information, submitted along with his application, he and his wife were not married until December 13, 1996. As such, the requisite family relationship to his spouse did not exist as of May 4, 1988, the termination of the application period for temporary resident status under section 245A of the Immigration and Nationality Act (INA). Therefore, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

The applicant has neither claimed nor documented that he applied for class membership. The applicant states that he is an "I-140 member," apparently making reference to having an I-140 employee petition filed on his behalf by an unspecified U.S. entity. However, Citizenship and Immigration Services (CIS) has no record of such form ever having been received in connection with this applicant. Given his failure to even claim, much less document, that he filed a 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). On the Form G-325A that was included with the LIFE Act application, the applicant specifically acknowledged that he had resided in his native Mexico from January 1963 until January 1989. 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.