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



*La*

FILE:



Office: National Benefits Center

Date **JUL 23 2004**

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

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

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 that the applicant or her husband, through whom she claims derivative status, filed a timely claim for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal, the applicant states that she first came to the United States on December 17, 1988 with her husband and two sons and that they are all applying for "Late LIFE Legalization."

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. 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 applicant asserted in her LIFE application that her husband applied for "CSS late amnesty." She has not submitted any documentary evidence, however, that her husband filed a claim for class membership in the CSS lawsuit. Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) has no record of any such claim by the applicant's husband, or that the applicant filed a class membership claim in her own right. The applicant's husband, [REDACTED], filed his own application for LIFE legalization, which was denied by the National Benefits Center. His appeal of that decision is likewise being dismissed by the AAO.

Even if there were evidence that the applicant's husband filed a timely claim for class membership in CSS, an applicant for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously from then through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b). The applicant acknowledges, however, that she and her first two sons (who were born in Mexico in 1986 and 1988) did not enter the United States until December 17, 1988. Thus, neither the applicant nor her two sons with whom she is applying under the LIFE Act fulfill the statutory requirement of having entered the United States before January 1, 1982 and resided in this country continuously through May 4, 1988.

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.