



U.S. Citizenship
and Immigration
Services



La

FILE:



Office: National Benefits Center

Date:

07/10/04

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. The matter is now on appeal before the Administrative Appeals Office. The appeal will be dismissed.

The director concluded that the applicant had not established 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 stated that she is submitting evidence to substantiate that an adult filed an application for amnesty on her behalf in 1987. The applicant also filed two affidavits dated September 26, 2002 from two persons who indicate that they had known the applicant since November 18, 1987, the year that she entered the United States.

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. That same regulation provides that, 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.

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.

On her LIFE application, the applicant stated that she has been living in this country since 1987. This statement is corroborated by the two affidavits dated September 26, 2002 submitted on appeal. Both affiants state that they have known the applicant since November 18, 1997 when she entered the United States. The third affidavit submitted on appeal filed by [REDACTED] states: "That on or about the year 1987, I filed an application fo [sic] amnesty, for my two relatives, [REDACTED] born in Ecuador on May 26, 1978 and [REDACTED] also born in Ecuador, on May 3, 1974. Who I raised since birth." The affiants continued: "Later on, Both, [REDACTED] and [REDACTED] got married and filed I485 on or about April 26, 2002."

The applicant has not addressed the director's reason for denial. The applicant has not demonstrated that she applied for class membership, and Citizenship and Immigration Services records do not reflect that she ever did. Additionally, as the applicant was married in 2002, the requisite relationship to her spouse did not exist when he may have attempted to apply for legalization during the May 5, 1987 through May 4, 1988 period. Therefore, the applicant cannot derive status from her spouse under section 1104 of the LIFE Act.

Moreover, 8 C.F.R. § 245a.11(b) requires each applicant to demonstrate that he or she entered the United States prior to January 1, 1982. On her LIFE application, the applicant states that she had been living in the United

States since 1987. Given this person's inability to meet this requirement, 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.