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U.S. Citizenship
and Immigration
Services

LA

FILE:

Office: NATIONAL BENEFITS CENTER

Date: JUN 16 2006

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, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant asserts that she is applying for adjustment to permanent resident status under the LIFE Act as a derivative applicant based on her husband's status as a U.S. resident.

The applicant does not respond to the subsequent decision.

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 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 applicant has failed to submit any documentation initially with her LIFE Application, in response to the notice of intent, or on appeal indicative of her having filed a timely claim for class membership in any of the aforementioned legalization class-action lawsuits. On appeal and in a separate statement submitted in response to the director's initial notice of intent to deny, the applicant indicated she was applying for permanent resident status under the LIFE Act based on the status of her husband, a Lawful Permanent Resident (LPR) who, according to the applicant, filed an I-130 Petition for Alien Relative on her behalf.

According to the director's decision, Citizenship and Immigration Services (CIS) records fail to indicate that an I-130 relative petition had ever been filed on the applicant's behalf by her spouse. Furthermore, the applicant has submitted *no* documentation indicative of her husband's having submitted a timely application for class membership in any of the legalization class-action lawsuits. Nor do CIS records indicate the applicant's spouse had ever filed a timely claim for class membership.

The applicant has failed to establish that she or her spouse filed a timely application for class membership in any of the aforementioned legalization class-action lawsuits. Given that, 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.