



U.S. Citizenship  
and Immigration  
Services

*[Handwritten signature]*

[Redacted]

FILE:

[Redacted]

Office: Dallas, Texas

Date:

JUN 23 2014

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:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the District Office in Dallas. 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.

*[Handwritten signature]*

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 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 failed to establish that she or her husband, through whom she claims derivative status, filed a claim for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal, the applicant makes two alternative arguments: (1) that her husband filed a claim for class membership in the *CSS v. Reno* lawsuit, *infra*, and that she has derivative class member status through him, and (2) that she filed, or attempted to file, an amnesty application in her own right under section 245A of the Immigration and Nationality Act (INA).

To be eligible for permanent resident status under section 1104 of the LIFE Act, an alien 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.

Though the applicant asserts that her husband [REDACTED] filed a claim for class membership in CSS, a review of his A-file does not reveal that any such claim was ever filed. Thus, the applicant cannot claim derivative class member status through her husband.

As evidence that she is entitled to permanent resident status in her own right, the applicant has submitted a photocopy of a Legalization Front-Desking Questionnaire, dated February 9, 2001, in which she claims that an INS officer in Los Angeles had refused to accept (*i.e.*, “front-desked”) her application for legalization under the Immigration Reform and Control Act of 1986 (“IRCA”) when she tried to file it on November 5, 1987. According to a certified mail receipt in the record the questionnaire was delivered to an INS office in Washington, D.C. on February 14, 2001. In order to qualify for late legalization under the LIFE Act, however, an alien must demonstrate that, after being “front-desked” in the original legalization program under IRCA, he or she filed a written claim for class membership in one of the legalization lawsuits prior to October 1, 2000. See section 1104(b) of the LIFE Act. Even if the AAO were to view the questionnaire as a claim for class membership, therefore, it would not represent a valid claim because it did not meet the statutory filing deadline.

For the reasons discussed above, the applicant has failed to establish that she or her husband filed a claim for class membership in CSS, or either of the other legalization lawsuits, *LULAC* or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

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.