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U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



Office: National Benefits Center

Date:

MAR 16 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, Missouri Service 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 had applied for class membership in any of the requisite class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that she has derivative benefits and states that she was submitting "my correspondence regarding the classification as a Catholic Social Services, Inc." In fact, no new materials were submitted with her appeal, and the applicant merely requests that her case be reconsidered.

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. Alternatively, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in one of the legalization class-action lawsuits 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.

In her LIFE application the applicant identified *CSS v. Meese* as the basis of her eligibility for adjustment to permanent resident status, but submitted no supporting documentation. In response to the director's notice of intent to deny, the applicant wrote a letter asserting that her husband applied for class membership in CSS and that she had derivative benefits through him. The applicant's husband, [REDACTED] did file a LIFE application [REDACTED] asserting that he had filed a claim for class membership in CSS. That application was denied and the appeal is being dismissed, however, for failure to establish that any such claim for class membership was filed. As indicated above, the applicant has provided no further documentation on appeal.

For the reasons discussed above, the applicant has failed to establish that she filed a written claim for class membership in CSS, either directly or derivatively through her husband, as required to be eligible for legalization under section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

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.