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U.S. Department of Homeland Security
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Washington, DC 20536



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



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.

A handwritten signature in cursive script, appearing to read 'Robert P. Wiemann'.

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 (1) that the applicant or her husband had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000, or (2) that the applicant and her husband, through whom she claimed derivative benefits, were married during the original application period of May 5, 1987 to May 4, 1988, as required to adjust status under the LIFE Act. Accordingly, the director denied the application.

On appeal, the applicant reasserts that she has derivative benefits and states that she was submitting "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.

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. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for legalization during the original filing period of May 5, 1987 to May 4, 1988. 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 does not even assert, much less submit any supporting documentation, that she or her husband, Martin Uribe, filed a written claim for class membership in any of the three legalization lawsuits, CSS, LULAC, or Zambrano, prior to October 1, 2000, as required for eligibility under section 1104(b) of the LIFE Act. Nor are there any records within Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) which demonstrate that the applicant or her husband applied for class membership.

Even if there were evidence that the applicant's husband had filed a timely claim for class membership, the applicant could not claim derivative status as a class member through her husband because they were not married until May 11, 1996. Thus, the marital relationship did not exist during the requisite time period of May 5, 1987 to May 4, 1988, set forth in the regulation, 8 C.F.R. § 245a.10.

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.