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U.S. Citizenship  
and Immigration  
Services

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*[Handwritten signature]*  
MAR 23 2004

FILE:

Office: National Benefits Center

Date:

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.

*[Handwritten signature]*  
for

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 applicant was not yet married to her husband during the original filing period of May 5, 1987 to May 4, 1988, and therefore could not claim derivative eligibility through him for adjustment of status under the LIFE Act.

On appeal, the applicant requests that her case be reconsidered because she was married just seven months after the expiration of the original filing period and it would be a hardship to return to her native country because she has resided in the United States since 1987.

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 applicant claims eligibility for LIFE Act legalization through her husband, [REDACTED]. Since she and her husband were not married until December 5, 1988, however, the marital relationship did not exist during the requisite time period set forth in the regulation, 8 C.F.R. § 245a.10 – i.e., during the original one-year filing period – May 5, 1987 to May 4, 1988 – for legalization applications under section 245A of the Immigration and Nationality Act. Thus, the applicant cannot claim derivative eligibility in this LIFE Act proceeding through her husband.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires that the applicant have entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. The applicant states in her appeal that she has resided in the United States since 1987. Based on this information, which is confirmed by other documentation in the file, it is clear that the applicant did not enter the United States before January 1, 1982 and did not reside unlawfully in the United States for the minimum time period of January 1, 1982 through May 4, 1988.

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.