

IDENTIFICATION RELATIONSHIP
APPLICANT'S CURRENT STATUS
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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: National Benefits Center Date: [Redacted]

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: 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 section 1104 of 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 on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors concluded that the record did not establish that the applicant or his wife, through whom he is claiming derivative benefits under the LIFE Act, had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000. In addition, the directors found that the date of the applicant's marriage to his wife was too late to derive status under the LIFE Act in any event.

On appeal, the applicant states that he "applied under LIFE with derivative benefits" through his wife.

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.

In his LIFE application (Form I-485) the applicant referred to "CSS vs. Meese derivative" as the basis of his eligibility for permanent resident status. The applicant has submitted no documentary evidence, however, that he or his wife, [REDACTED], filed a written claim for class membership in CSS prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services, successor to the Immigration and Naturalization Service, have any record of a timely claim by the applicant or his wife for class membership in CSS, or either of the other legalization lawsuits. No additional materials have been submitted in support of the applicant's appeal.

Even if there were evidence that the applicant's wife had filed a timely claim for class membership, the applicant could not claim derivative status as a class member through her because they were not married until October 3, 1998. 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.