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U.S. Citizenship
and Immigration
Services

PUBLIC COPY

MAY 27 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 your case 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 initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

Both directors concluded the applicant had not established that she had applied for class membership in any of the requisite legalization class-action lawsuits prior to [REDACTED], therefore, denied the application.

On appeal from the initial denial, the applicant declared that she had been living in the United States since 1989. The applicant indicated that she believes she derives beneficiary status because her husband is eligible for permanent resident status under the LIFE Act.

The record shows that subsequent to the reopening of this matter, the applicant has submitted additional material to supplement her appeal. Therefore, this additional documentation shall be incorporated into her appeal.

An applicant for permanent resident status under 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 any 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 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 before [REDACTED]. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to [REDACTED] C.F.R. § 245a.10.

The applicant neither claimed nor documented that she applied for class membership. Rather, the applicant asserts that she derives beneficiary status because her husband is eligible for permanent resident status under the LIFE Act. With her LIFE Act application, the applicant submitted a Biographic Information Form G-325A, in which she indicated that she was married to her husband [REDACTED]. Furthermore, the applicant has subsequently provided a photocopy of her and her spouse's Certificate of Marriage Registration, from the Office of the City Clerk of the City of New York, which also reflects that the applicant and her husband were married [REDACTED]. Therefore, the applicant cannot derive status from her husband under section 1104 of the LIFE Act.

Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. On appeal from the initial denial, the applicant specifically acknowledged that she has been in this country since 1989. The applicant offers no evidence of any earlier entry into this country. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.