

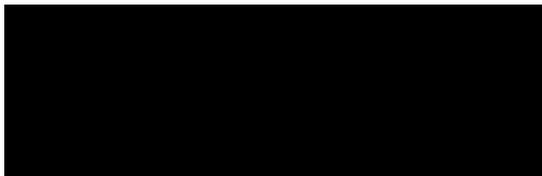
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



L2

FILE:

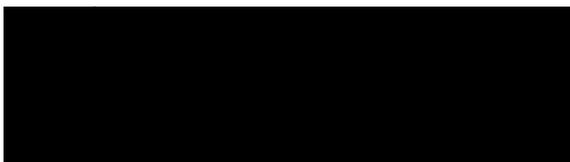


Office: NATIONAL BENEFITS CENTER

Date: **SEP 02 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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts "I intent to apply for CSS late amnesty and was denied for the wrong reason."

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. That same regulation provides that, in the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership 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 temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988.

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 response to a Notice of Intent to Deny issued on December 17, 2002, the applicant submitted documentation which pertained to her spouse namely, a Form I-687 Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (the Act), dated February 15, 1991, a Form G-56, appointment notice dated February 20, 1991 from the Los Angeles District Office and an undated CSS v. *Reno* instruction sheet. None of these documents, however, include an Alien Registration Number (A-number, or file number) for the spouse, as required in 8 C.F.R. § 245.14(b).

The applicant, throughout the application process, has not provided evidence of having applied for class membership. It appears that the applicant is supporting her claim for benefits under the LIFE Act on her husband's application for class membership.

The applicant indicated on her Life application that her spouse was applying for adjustment of status under the provisions of the LIFE Act. The applicant provided a copy of her marriage license, which indicates the marriage occurred on December 4, 1998.

Because the requisite relationship to her spouse did not exist when the spouse may have attempted to apply for legalization during the May 5, 1987 through May 4, 1988 period, the applicant cannot derive status from her spouse under section 1104 of the LIFE Act.

Given her inability to meet the requirements, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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