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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY

FILE:

Office: NATIONAL BENEFITS CENTER

Date: JAN 17 2006

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.

A handwritten signature in black ink that appears 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, 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 he 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 states that his mother contacted *LULAC* in 2000 and "they told her to fill out a questionnaire. She did it. Mailed back to their office on August 4, 2000." The applicant provides a statement from his mother who claims that she registered "my case with *LULAC* on June 12, 1992," and submitted a questionnaire on August 4, 2000.

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). 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. 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 indicated on his LIFE application that his spouse was applying for adjustment of status under the provisions of the LIFE Act. Citizenship and Immigration Services (CIS) records, however, do not reveal any evidence that the applicant's spouse had filed a timely written claim to class membership. Further, the record reflects that the applicant's marriage occurred on January 30, 1998. Because the requisite relationship to his 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 his spouse under section 1104 of the LIFE Act.

Along with his LIFE application, the applicant only submitted a Form G-325A, Biographic Information and evidence to establish his identity.

In response to the Notice of Intent to Deny issued on May 13, 2004, the applicant submitted copies of his mother's Form I-687 Application for Status as a Temporary Resident, undated Form G-56, and Legalization Front-Desking Questionnaire.

The documentation presented to establish the applicant's identity does not constitute a timely written claim to class membership prior to October 1, 2000. The remaining documents could possibly be considered as evidence of the mother having made a written claim for class membership, however, none of these submissions include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number, or file number) for the mother, as required in 8 C.F.R. § 245.14(b). There is no record of CIS generating the undated Form G-56 or receiving any application allegedly submitted by the mother. Furthermore, CIS records do not reveal any evidence that the applicant's mother had filed a timely written claim to class membership.

Given his failure to establish having filed a timely written claim for class membership or that he is the dependent of an eligible class member, 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.