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U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



A large, stylized handwritten signature in black ink, possibly reading "LW".

FILE:



Office: NATIONAL BENEFITS CENTER

Date: DEC 22 2005

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, appearing 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 (AAO) 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 she is eligible for permanent resident status under the LIFE Act.<sup>1</sup>

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 failed to submit any documentation addressing this requirement when the application was filed. In response to a Notice of Intent to Deny issued on July 30, 2003, the applicant requested an extension of time in order to submit additional documents. However, no additional documents were submitted prior to the issuance of the director's Notice of Decision dated April 2, 2004.

It is noted that in an attempt to determine if the applicant may be eligible for the benefit being sought as a derivative beneficiary, the director reviewed Citizenship and Immigration Service (CIS) records, but was unable to establish any record that the applicant's spouse, [REDACTED] had filed a timely written claim to class membership.

The applicant has not provided any documents throughout the application process, which establish that she applied for class membership. Also, there are no records within CIS, which demonstrate that the applicant applied for class membership. Given that, 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.

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<sup>1</sup> It is noted that an attorney who is currently unauthorized to practice represents the applicant. (See <http://www.usdoj.gov/eoir/profcond/chart.htm> accessed on December 6, 2005). Therefore, the AAO may not recognize counsel in this proceeding.