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

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[Redacted]

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

FILE:

[Redacted]

Office: MISSOURI SERVICE CENTER

Date:

AUG 29 2003

IN RE: Applicant:

[Redacted]

PUBLIC COPY

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:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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
for

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, Missouri Service Center, and is now before the Administrative Appeals Office on appeal. This matter will be remanded for further action and consideration.

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 asserts that he believes he has submitted sufficient evidence of having filed a timely claim for class membership in one of the legalization class-action lawsuits.

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 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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). Service regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000.

The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g). Furthermore, the regulations require the Service to determine whether an alien filed a written claim for class membership as reflected in the Service's indices and administrative files.

Along with his LIFE application, the applicant provided documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the INA. Upon receiving a notice of intent to deny, the applicant furnished a photocopy of a February 19, 1993 notice from the District Director, San Francisco, apprising the applicant that he was on record as having filed an application on March 22, 1991 for designation as a class member in the *Catholic Social Services, Inc. (CSS) v. Thornburgh* case. The communication also included an A-number which had been assigned to the applicant.

In his Notice of Decision, the center director indicated that a review of that evidence, the applicant's administrative file, Bureau records and indices failed to establish the applicant's having filed a written claim for class membership. It is not clear why the director found the notice submitted by the applicant to be insufficient. It is possible the director concluded the notice was not genuine, as there was no file copy in the applicant's administrative file. However, the absence of a copy of the notice in the applicant's file does not necessarily mean that such notice

could not have been issued by the Bureau. In this case, the inability of the district director to enter a copy of the letter into the applicant's file may have resulted from the fact that the applicant's Special Agricultural Worker application was still pending adjudication in the file then located at a Bureau service center. It is also noted that, if the center director entertained doubts regarding the authenticity of the photocopied notice provided by the applicant, he could have opted to require that the applicant supply the original of the document.

Pursuant to 8 C.F.R. § 245a.14(b), an applicant may submit as evidence of such filing a Bureau document addressed to him which includes his A-number and acknowledges his class membership. In providing a photocopy of the aforementioned February 19, 1993 notice from the San Francisco District Director, the applicant has provided appropriate evidence of having filed a timely claim for class membership in the CSS legalization class-action lawsuit, as set forth in 8 C.F.R. § 245a.14(b).

Accordingly, this matter will be remanded in order that the file be forwarded to the district office for the purpose of interview and full adjudication of the application.

ORDER: This matter is remanded for further action and consideration pursuant to the above.