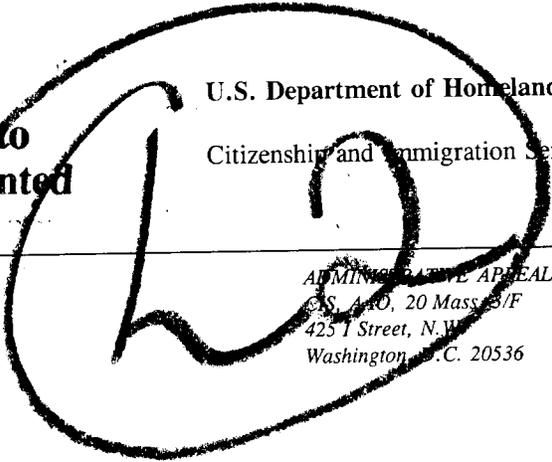


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prevent clearly unwarranted
investigation**

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



ADMINISTRATIVE APPEALS OFFICE
U.S. AAO, 20 Massachusetts
425 T Street, N.W.
Washington, D.C. 20536



File:



Office: NATIONAL BENEFITS CENTER

Date:

NOV 05 2003

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).

IN BEHALF OF APPLICANT:



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 unit, 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 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, counsel states he is submitting evidence as proof that the applicant is a class member.

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). 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 membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)", and require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files. See 8 C.F.R. § 245a.14.

Along with his LIFE application, the applicant provided photocopies of a Form I-687 Application for Status as a Temporary Resident and a Form for Determination of Class Membership in *CSS v. Meese*. In his notice of decision, the director found that there was no record of CIS ever receiving these documents and pointed out that the Form I-687 was incomplete, as the page containing the signature and date was missing. According to the director, since there is no evidence that the documentation was ever filed with CIS, it cannot be used as evidence of having filed a written claim for class membership.

Upon receiving the decision, the applicant furnished a photocopy of a complete copy of the Form I-687 and another copy of the class membership form. Both documents are dated November 18, 1991, and the Form I-687 has a more easily readable date stamp on it indicating the document was received by CIS' Eastern Service Center on November 22, 1991. Counsel also provide a photocopy of a Form

I-72 instruction sheet from the service center informing the applicant that his Form I-687 was rejected.

It is not clear why the director determined that the documents had not been filed with CIS. It is also noted that, if the center director entertained doubts regarding the authenticity of the photocopies provided by the applicant, he could have opted to require that the applicant supply the original documents (if they indeed had been returned to the applicant by the service center.) On the copy of the Form I-687 originally submitted with the application, there is a date stamp, albeit a slightly illegible one, indicating the document was received on November 22, 1991. That date stamp was circled by someone to indicate that it should be seen.

In providing photocopies of the aforementioned November 25, 1991 notice from the service center, as well as Form I-687 and the Form for Determination of Class Membership, 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.