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U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass, 3/F

425 I Street, N.W.

Washington, D.C. 20536



FILE:



Office: MISSOURI SERVICE CENTER

Date:

SEP 25 2003

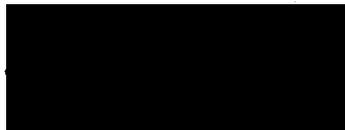
IN RE: Applicant:



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).

PUBLIC COPY

ON 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 office, and you are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann" with a stylized flourish.

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 evidence indicative 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). See 8 C.F.R. 245a.10.

Pertinent 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)." See 8 C.F.R. § 245a.14. Furthermore, those regulations require the Service to determine whether an alien filed a written claim for class membership as reflected in Citizenship and Immigration Services (CIS) indices and administrative files.

Along with his LIFE application, the applicant provided a December 10, 1990 photocopied interview notice from the Houston, Texas legalization office to the applicant. The notice requested the applicant to appear for an interview on January 23, 1991 regarding the late filing of a CSS/LULAC application. Upon receiving a Notice of Intent to Deny in the current LIFE program, the applicant furnished a photocopy of a subsequent interview notice similar in format to the previously-submitted notice. This notice, dated January 24, 1991, also originated from the Houston, Texas legalization office, and requested the applicant to appear for a May 13, 1991 interview in connection with a late filing of a CSS/LULAC application. Along with the photocopied January 24, 1991 interview notice, the applicant also submitted the following: a Form I-687 Application for Status as a Temporary resident under Section 245A of the Immigration and Nationality Act, which appears to have been signed by the applicant on November 12, 1990; and a marginally-legible, undated Form I-797 Notice of Action from the Vermont Service Center informing the applicant that a previously scheduled interview to determine eligibility for class membership under CSS/LULAC would be rescheduled for another date.

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 aforementioned communications submitted by the applicant to be insufficient. It is possible the director concluded the notices were not genuine, as there were no file copies in the applicant's administrative file. However, the absence of copies of these communications in the applicant's file does not necessarily mean that such notices could not have been issued by the Bureau. It is also noted that, if the center director entertained doubts regarding the authenticity of the photocopied documents provided by the applicant, he could have opted to require that the applicant supply originals of the documents in question.

In providing photocopies of the aforementioned notices from the CIS legalization office in Houston, Texas, and from the Vermont Service Center, the applicant appears to have 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.