



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

[Redacted]

APR 27 2004

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:

[Redacted]

PUBLIC COPY

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

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. 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.

Handwritten signature of 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, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

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, counsel for the applicant asserts the applicant has provided sufficient evidence to establish eligibility for permanent resident status under the LIFE Act. Counsel further asserts that CIS has failed to acknowledge evidence in the form of photocopies of its own communications which, according to counsel, clearly demonstrate that the applicant filed a claim for class membership.

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). 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.

Along with her LIFE application, the applicant provided the following:

- a photocopied Form for Determination of Class Membership in *CSS v. Meese*, which was signed by the applicant but not dated;
- a photocopy of a Corroborative Affidavit from the applicant, which is neither signed nor dated, in which the applicant attested to having filed a claim for class membership in *CSS v. Thornburgh (Meese)*; and
- a photocopy of a Form G-56 appointment notice dated October 22, 1993, reflecting that on July 7, 1995 at 11:00am, the applicant would be interviewed at the Los Angeles, California, legalization office of INS (now Citizenship and Immigration Services, or CIS), regarding the question of his eligibility for class membership in the CSS or LULAC legalization class-action lawsuits.

On January 23, 2004, the AAO sent the applicant's attorney a follow-up communication informing him that, in order to expedite the adjudication of his appeal, he was requested to provide an *original* of the photocopied appointment notice purportedly sent to the applicant by CIS. Subsequently, on February 17, 2004, counsel responded to the AAO's communication, asserting that more than ten years had elapsed since the document

had been issued to the applicant and that the original of that document was no longer in her possession. At the same time, counsel provided the AAO with *two* additional copies of the photocopied appointment notice for consideration. Counsel also correctly noted in his response that, while the regulations at 8 C.F.R. § 245a.12(f) indicate that “[i]n judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation,” there is no actual *requirement* that original documentation must be submitted.

Counsel’s explanation for the applicant’s inability to provide the original of the photocopied interview letter appears reasonable under the circumstances. Counsel and the applicant have provided evidence of the type set forth in 8 C.F.R. § 245a.14 indicative of having filed a timely claim for class membership in the CSS legalization class-action lawsuit. The documentation submitted by the applicant initially and throughout the application process appears to be consistent and convincing and serves to corroborate her claim. Therefore, it is concluded that the applicant has established that she filed a written claim for class membership.

ORDER: The appeal is sustained. The director shall forward the record to the appropriate district office for the purpose of interview and a full adjudication of the application.