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U.S. Department of Homeland Security
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Washington, DC 20536



**U.S. Citizenship
and Immigration
Services**

FILE: Office: NATIONAL BENEFITS CENTER

Date: **APR 27 2004**

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. 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.

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, the applicant asserts that she appeared for an interview in 1991 in connection with an application for class membership in the CSS class-action lawsuit.

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 a photocopy of a Form G-56 appointment notice reflecting that on May 7, 1991 at 8:00am, the applicant would be interviewed at the Ft. Lauderdale, Florida, legalization office of the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services, or CIS), regarding the question of her eligibility for class membership in the CSS or LULAC legalization class-action lawsuits.

Pursuant to 8 C.F.R. § 245a.14(b), an applicant may submit, as evidence of having filed for class membership, a CIS document addressed to him or her acknowledging class membership. In providing a photocopy of the aforementioned appointment notice from the Ft. Lauderdale legalization office with her LIFE application, the applicant has provided appropriate evidence of having filed a timely written claim for class membership in the CSS legalization class-action lawsuit, as set forth in 8 C.F.R. § 245a.14(b).

In response to the notice of intent to deny, the applicant submitted a personal affidavit dated October 17, 2002, in which she makes reference to having unsuccessfully attempted to apply at the INS office in Hialeah, Florida for legalization on November 24, 1987 and, subsequently, for class membership under LULAC/Zambrano on March 27, 1991. According to the applicant, she was "front-desked" or discouraged from applying on both occasions by Service officers. In her affidavit, the applicant provided a very specific account of her experiences at the Hialeah INS office, as well as offering detailed descriptions the Service

officers with whom she dealt in the course of attempting to apply initially for legalization and, at a later date, for class membership.

The documentation submitted by the applicant initially and throughout the application process, including her very detailed affidavit of October 17, 2002, appears to be consistent and convincing and serves to corroborate her claim. Therefore, it is concluded that the applicant has established eligibility for class membership. The director shall forward the record to the appropriate district office for the purpose of interview and a full adjudication of the application.

ORDER: The appeal is sustained.