

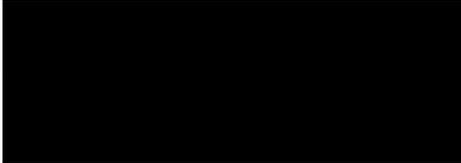
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FILE:



Office: National Benefits Center

Date: APR 28 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:



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.

A handwritten signature in black ink, appearing to read "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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be sustained.

The director concluded that the applicant had not established 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 asserts that the applicant received three appointment notices from the Immigration and Naturalization Service (INS) to discuss matters concerning class membership in one or more of the legalization lawsuits. Counsel resubmits photocopies of the three notices, which were already in the record. According to counsel, the notices are evidence of a valid written claim for class membership because they substantially comport with the criteria set forth in 8 C.F.R. § 245a.14(d) for confirming the authenticity of "Service [INS] documents addressed to the alien . . . discussing matters pursuant to the class membership application."

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 one 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 section 1104(b) of the LIFE Act and 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.

The applicant submitted photocopies of the three appointment notices at issue with his LIFE application. Each of the notices was on a standard form (Form G-56) and purportedly scheduled appointments for the applicant to come to the INS office in Los Angeles "to submit your application for amnesty as a C.S.S. vs. Thornburgh or LULAC vs. INS class member." The first notice was dated July 16, 1991, scheduling an appointment for July 17, 1991 (the following day) at 9:45 a.m. The second notice was dated August 28, 1991, scheduling an appointment on September 3, 1991 at 8:30 a.m. The third notice was dated September 4, 1991, scheduling an appointment on September 6, 1991 (two days later) at 9:30 a.m. In an affidavit submitted in response to the director's Notice of Intent to Deny, the applicant alleged that he had originally submitted his "application" for "this program" at an INS office in Santa Ana, California. The applicant asserted that he subsequently received the three appointment notices and that he appeared for all three appointments in Los Angeles.

The AAO agrees with counsel that the foregoing interview notices constitute credible evidence of the applicant's claim for class membership. Moreover, the claim was filed prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the appeal will be sustained. The director shall forward the application to the appropriate office to complete the adjudication.

**ORDER:** The appeal is sustained.