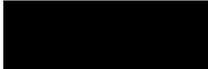




U.S. Citizenship  
and Immigration  
Services



FILE:



Office: National Benefits Center / Date:

AUG 25 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. All documents have been returned to the office that originally decided your case. 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

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prevent electronic harassment  
invasion of personal privacy

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The directors 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 states that he has submitted evidence that he is a CSS class member.

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 his LIFE application, the applicant provided a photocopy of an appointment letter dated February 18, 1994 from an officer of the Los Angeles office of the Immigration and Naturalization Service (INS) predecessor of Citizenship and Immigration Services. The reason given for the appointment is "to submit your application for amnesty as a CSS vs Thornburgh or LULAC vs INS class member." Additionally, on rebuttal to a notice of intent to deny, the applicant provided a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA signed by him on February 16, 1994. He also submitted an unsigned and undated photocopy of a Form for Determination of Class Membership in *CSS v. Meese*. In the determination document, the applicant asserted he did not file an application for legalization under section 245A of the INA between May 5, 1987 and May 4, 1988 because an INS officer personally in the Los Angeles office told him that he did not qualify because he had "over stayed in Mexico."

Based on the foregoing evidence, the AAO determines that the applicant filed a timely claim for class membership in CSS, 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.