



U.S. Citizenship
and Immigration
Services

[REDACTED]

FILE:

[REDACTED]

Office: National Benefits Center

Date:

AUG 25 2004

IN RE: Applicant:

[REDACTED]

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]

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

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center. The decision was appealed to the Administrative Appeals Office (AAO), which remanded the case. The Director, Missouri Service Center, withdrew the original decision, issued a new decision, and certified the case for review to the AAO. The director's decision will be withdrawn and the appeal sustained.

The director concluded that the applicant did not establish he had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal counsel asserted that the applicant had already submitted evidence of a timely filed claim for class membership in the form of an interview notice from the Legalization Office in Houston, Texas. Counsel resubmitted a photocopy of the document along with a photocopy of an undated Form I-687 application signed by the applicant.

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.

As evidence that he filed a claim for class membership in one of the legalization lawsuits, the applicant submitted with his LIFE application (Form I-485) a photocopy of an interview notice from the Immigration and Naturalization Service (INS) scheduling an appointment for the applicant at the Legalization Office in Houston, Texas on September 4, 1991. The notice stated that the "reason for appointment" was "late filing of LULAC or CSS application." CSS is circled on the notice.

The AAO determines that the above document constitutes credible evidence 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.