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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE:

Office: NATIONAL BENEFITS CENTER

Date: JAN 13 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: Attached is the decision rendered on your appeal. 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. This matter will be remanded for further action and consideration.

The director 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, counsel for the applicant asserts that the evidence submitted by the applicant establishes his eligibility for permanent resident status under the LIFE Act.

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 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).

Pertinent regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14. Furthermore, those regulations require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files.

Along with his LIFE application, the applicant provided a photocopy of a notice dated July 29, 1991 from the U.S. Immigration and Naturalization Service (now, Citizenship and Immigration Services or CIS) reflecting that he was to be interviewed at CIS's Houston, Texas legalization office at 8:00 am on March 25, 1992, regarding the question of his eligibility for class membership in the CSS class-action suit.

In his Notice of Decision of March 11, 2003, the director indicated that the evidence provided by the applicant failed to establish his having filed a written claim for class membership. In his decision, the director stated that CIS had no record of the applicant ever having appeared for an appointment regarding a claim for class membership. It is possible the director concluded the notice was not genuine due to the fact that there was no previously-created file housing a copy of the notice. However, the absence of a copy of the notice does not necessarily mean that such notice could not have been issued by CIS. In any case, if the director entertained doubts regarding the authenticity of the photocopied notice provided by the applicant, he could have required the applicant to supply the original of the document.



In order to resolve the question of the authenticity of this document, the AAO sent counsel a communication on November 17, 2003, requesting that she submit the *original* of the notice in question. Counsel subsequently complied with this request. An examination of the notice submitted in response to the AAO's request fails to disclose anything that might serve to indicate that it is other than genuine.

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 acknowledging his request for class membership. In providing the original of the aforementioned July 29, 1991 interview notice, as requested by the AAO, counsel has provided appropriate evidence of the applicant having filed a timely claim for class membership in the CSS legalization class-action lawsuit, as set forth in 8 C.F.R. § 245a.14(b).

Accordingly, this matter will be remanded in order that the file be forwarded to the district office for the purpose of interview and full adjudication of the application.

ORDER: This matter is remanded for further action and consideration pursuant to the above.