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FILE:

Office: National Benefits Center

Date: JUL 07 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. 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 one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant resubmitted five documents that were already in the file and requested that his case be reviewed and reconsidered.

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 asserts that he filed a claim for class membership in CSS. As evidence thereof he submitted with his LIFE application (Form I-485) a photocopied interview notice from the Immigration and Naturalization Service (INS), dated May 7, 1995, scheduling an appointment for the applicant at the Legalization Office in Los Angeles on September 14, 1996 "to submit your application for amnesty as a CSS vs. *Thornburgh* or *LULAC* vs. *INS* class member." In response to the director's Notice of Intent to Deny the applicant submitted photocopies of the following additional materials:

- 1) a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), signed by the applicant and dated March 16, 1994,
- 2) an Affidavit of Circumstances, signed by the applicant and dated March 16, 1994, in which the applicant states that he entered the United States in 1980 and did not file an application for legalization during the original filing period from May 5, 1987 to May 4, 1988 because he had left the United States briefly in 1987 and did not think he qualified,
- 3) a Corrobrative Affidavit from an acquaintance of the applicant's, dated March 16, 1994, confirming that the applicant departed the United States briefly during 1987, and
- 4) an INS form addressed to the applicant, dated September 14, 1996, stating that because of his absence from the country in 1987 he was "not a CSS class member."

The AAO determines that the foregoing documents constitute 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.