



U.S. Citizenship
and Immigration
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U.S. Citizenship and Immigration Services
Division of Personal Types

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JUN 16 2004

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

PETITION: 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

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. The appeal will be sustained.

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, the applicant asserts his eligibility for permanent resident status under the LIFE Act as one who has filed a claim for class membership in the CSS class-action lawsuit.

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 application, the applicant submitted a notice dated April 21, 1995 reflecting that he was to be interviewed at the Los Angeles, California legalization office of INS (now Citizenship and Immigration Services, or CIS) at 3:00pm on September 10, 1996, regarding the question of his eligibility for class membership in CSS or LULAC. Also submitted was a photocopy of a determination letter from INS dated September 20, 1995. The letter, partially typed and partially hand-written, acknowledges the applicant having submitted an application for class membership in CSS while indicating that the applicant failed to establish that he qualified for such membership.

In response to the notice of intent to deny, the applicant submitted the following additional documentation:

- a photocopied Form for Determination of Class Membership in CSS v. Thornburgh (Meese), which is signed by the applicant but is not dated;
- a photocopy of a corroborative affidavit from the applicant, signed on November 30, 1993, attesting to his having filed an application for class membership in CSS v. Thornburgh (Meese); and
- a photocopy of a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was also signed by the applicant on November 30, 1993.

The photocopied submissions provided by the applicant with his LIFE application and, subsequently, in response to the notice of intent to deny, may be considered as appropriate evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). The documentation submitted by the applicant throughout the application process appears to be consistent and convincing and serves to corroborate his claim to

have previously endeavored to file a timely claim for class membership in CSS class-action lawsuit. The director, in his denial, has not established that the information contained in the applicant's supporting documents was either false or inconsistent with the claims throughout the application process. Therefore, it is concluded that the applicant has established eligibility for class membership. The director shall forward the record to the appropriate district office for the purpose of interview and a full adjudication of the application.

ORDER: The appeal is sustained.