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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: Missouri Service Center Date: MAR 17 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: 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 any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he applied in person for class membership in the CSS legalization lawsuit, *infra*, but that the INS officer "denied my application because I had left the [U.S.] to go visit my family."

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.

Along with his LIFE application (Form I-485), filed in July 2002, the applicant provided the following pertinent documentation:

- 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 September 10, 1994,
- 2) An interview notice to the applicant from the INS Legalization Office in Los Angeles, dated September 15, 1994, scheduling an appointment for him on October 19, 1994 "to submit your application for amnesty as a *CSS vs. Reno* or *LULAC vs. INS* class member," and
- 3) a fact sheet on the *CSS v. Reno* lawsuit, with the applicant's name written thereon in longhand, advising of a court order issued on August 26, 1998.

The applicant also submitted a subsequent statement in November 2002 in which he explained that he "applied for CSS late amnesty at the office in Los Angeles (Soto office) on 09-10-94," that he "was told that I had to return for an interview with an immigration officer on October 19, 1994," and that "when I went for my appointment they told me that my application was being denied because I had left the USA while processing."

The AAO determines that the foregoing documents constitute credible evidence that the applicant filed a claim for class membership in CSS. Moreover, the claim was filed prior to October 1, 2000, 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.