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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

MAY 11 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

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, 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 asserted that he applied for class membership in CSS on June 10, 1992 at the Los Angeles, California Legalization Office of Immigration and Naturalization or INS (now, Citizenship and Immigration Services), but was informed he was ineligible due to unauthorized travel.

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 LIFE application, the applicant provided the following:

- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was signed by the applicant on May 20, 1992; and
- a photocopy of a Form G-56 appointment notice dated June 10, 1992, reflecting that on August 16, 1992 at 9:00am, the applicant would be interviewed at the Los Angeles, California, legalization office of INS regarding the question of his eligibility for class membership in the CSS or LULAC legalization class-action lawsuits.

On February 19, 2004, the AAO sent the applicant a follow-up communication informing him that, in order to expedite the adjudication of his appeal, he was requested to provide an *original* of the photocopied appointment notice purportedly sent to the applicant by CIS. Subsequently, on March 8, 2004, the applicant responded to the AAO's communication, asserting that the original of that document was no longer in his possession.

The applicant responded in a timely and forthright manner to the AAO's communication of February 19, 2004, and his explanation for his inability to provide the original of the photocopied interview letter appears reasonable under the circumstances. It is also noted that, while the regulations at 8 C.F.R. § 245a.12(f)

indicate that “[i]n judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation,” there is no actual *requirement* that original documentation must be submitted by an applicant.

Pursuant to 8 C.F.R. § 245a.14(b), an applicant may submit, as evidence of having filed for class membership, an INS document addressed to him or her acknowledging class membership. In providing a photocopy of the aforementioned appointment notice from the Los Angeles legalization office with his LIFE application, the applicant has provided appropriate evidence of having filed a timely written claim for class membership in the CSS legalization class-action lawsuit, as set forth in 8 C.F.R. § 245a.14(b).

The documentation submitted by the applicant initially and throughout the application process appears to be consistent and convincing and serves to corroborate his claim on appeal that he attempted without success to apply for class membership in CSS on June 10, 1992 at the Los Angeles Legalization Office of INS. The director, in his denial, did not establish 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.