



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: MAY 19 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 sent a "CSS appointment letter" and other documentation to the Missouri Service Center in November 2002 which proves that he filed a claim for class membership. According to the applicant he had two appointments, and "after INS denied him because of lack of proofs, the alien then registered with the department of human rights so that his case could be presented in appeals under the 9th circuit court."

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.

In his LIFE application (Form I-485) the applicant cited CSS as the basis of his eligibility for legalization. As evidence that he filed a claim for class membership in that lawsuit the applicant submitted (in November 2002) a photocopy of an appointment notice (Form G-56) from the Immigration and Naturalization Service (INS), dated July 13, 1994, scheduling an appointment for the applicant at the Legalization Office in Los Angeles on February 17, 1995, "[t]o submit your application for amnesty as a *CSS v. Thornburgh* or *LULAC v. INS* class member." In a separate personal statement the applicant explained that he was informed during his 1995 INS appointment that he could not receive a work permit because he had traveled to his native country (Mexico) in 1987. He states that he was referred to the "department of human rights" where, at a meeting, he was advised by an attorney that "all of our cases were in a ninth circuit court."

The AAO determines that this documentation, in particular the 1994 INS appointment notice, constitutes 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.