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U.S. Citizenship
and Immigration
Services

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LA

MAY 27 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, National Benefits Center, and is now before the Administrative Appeals Office 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.

On appeal, the applicant argues that he took every step possible to properly and timely file for class membership under the legalization class action lawsuits. He resubmits copies of documents that he has previously submitted including a "LULAC CLASS MEMBER DECLARATION," a "LEGALIZATION QUESTIONNAIRE," and his Form I-687. He also submits a copy of a notice requesting that he report to the Legalization Office in New York on February 22, 1989. The reason provided for the appointment was an "Interview to determine subclass membership" concerning the L.U.L.A.C litigation. The applicant explains that his friend who lived at the same address as that provided on the notice received the letter and sent it to him in Colombia. The applicant indicates that as he had already departed the country, he missed the appointment.

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 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)(CSS), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993)(Zambrano).

Pertinent regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14. Furthermore, those regulations require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files.

Pursuant to 8 C.F.R. § 245a.14(b), an applicant may submit, as evidence of having filed for class membership, any relevant document(s) which acknowledge his class membership. In providing a photocopy of the aforementioned LULAC interview notice in addition to the previously submitted documentation, the applicant has provided appropriate evidence of having filed a timely claim for class membership in a legalization class-action lawsuit, as set forth in 8 C.F.R. § 245a.14(b).

ORDER: The appeal is sustained.