

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

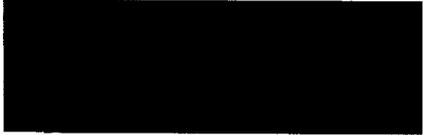
PUBLIC COPY

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

L2



FILE:



Office: NATIONAL BENEFITS CENTER

Date: **DEC 15 2005**

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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. The director also concluded that the Alien Registration Number provided by the applicant was never assigned to him. Accordingly, the director denied the application.

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.

The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. See 8 C.F.R. § 245a.12(e). An alien applying for adjustment of status under section 1104 of the LIFE Act has the burden of proving his or her eligibility by a preponderance of the evidence.

In response to a Notice of Intent to Deny issued on February 17, 2004, the applicant submitted photocopies of: 1) a Form I-72 dated September 20, 1993, which listed the applicant's name and an alien registration number [REDACTED]. In the section for CSS applicants, the applicant was informed that he must provide reasonable evidence of continuous residence in the United States since before January 1, 1984 to 1988; 2) a Form G-56 dated September 20, 1993, which indicated the reason for the applicant's new appointment on July 19, 1994 as "Reinterview of your application for CSS vs. INS"; 3) a Form I-687 Application for Status as Temporary Resident dated August 15, 1993; and 4) an undated Form for Determination of Class Membership.

The director, in denying the application, asserted that the alien registration number [REDACTED] did not exist in the legacy Immigration and Naturalization Services (legacy INS) administrative or electronic records and that the photocopied documents provided by the applicant did not establish a claim for class membership.

On appeal, the applicant asserts that in 1993, he took his application to the Los Angeles Office and was informed that he was not eligible for work authorization. The applicant states that he returned at a later date and was informed again that he was not eligible.

It has not been demonstrated that the legacy INS necessarily created Service files in every case of aliens who attempted to file class membership applications during that time period, or that communications such as those submitted by the applicants to the legacy INS would necessarily have been retained or routinely entered into Service data bases. Moreover, if the director entertained doubts regarding the authenticity of the photocopied forms provided by the applicant, he could have opted to require that the applicant supply the originals.

Pursuant to 8 C.F.R. § 245a.14(b), an applicant may submit, as evidence of having filed for class membership, Citizenship and Immigration Services documents addressed to him. The applicant have endeavored to provide

evidence of the type set forth in these regulations indicative of having filed a timely claim for class membership in the *CSS* legalization class-action lawsuit. The photocopied forms submitted by the applicant appears to be consistent and convincing and serves to corroborate his claim on appeal to having attempted unsuccessfully to apply for class membership in *CSS*. As such, the applicant has provided appropriate evidence of having attempted to file a timely claim for class membership in the *CSS* legalization class-action lawsuit. It is, therefore, concluded that the applicant has established eligibility for class membership.

It must now be determined whether the applicant is otherwise eligible for permanent resident status under section 1140 of the LIFE Act. Accordingly, the matter will be forwarded to the appropriate district office for further processing and adjudication of the LIFE Act application.

ORDER: The appeal is sustained.