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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: JUL 26 2005

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 office that originally decided your case. 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 (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 reiterates his contention that he filed a written claim for class membership with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) prior to October 1, 2000. The applicant submits documentation in support of his appeal.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

On his Form I-485 Life Act application, the applicant indicated that he had previously applied for class membership in the legalization class-action lawsuits on June 18, 1991. In support of his claim to class membership, the applicant included a photocopy of a "Form for Determination of Class Membership in CSS v. Meese or Lulac" that is dated June 18, 1991.

In his subsequent response to the notice of intent to deny, the applicant provided photocopies of the following relevant documents:

- a letter from the Service's Northern Service Center dated January 13, 1993, to the applicant acknowledging that he had applied for class membership in legalization class action lawsuit and directing him to contact his local Service office in order to schedule an interview; and,
- a letter dated January 13, 1993, from the Service to the applicant acknowledging that his prior application for class membership in a legalization class-action had been denied and informing him that he was entitled to another interview regarding that prior application for class membership to ensure that such application had been properly adjudicated.

In denying the application, the director concluded that the supporting documents submitted by the applicant did not appear to be anything issued by the Service. However, the director's conclusion must be considered to be speculative, as the record contains no evidence to demonstrate that any effort was undertaken to verify the authenticity of the documents. In addition, the director failed to establish that the information in this document was inconsistent with the claims made by the applicant or that such information was false. If the director had questions regarding the credibility of the supporting document provided by the applicant, a request should have been issued to him to provide the original of the photocopied document. In addition, the