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



U.S. Citizenship
and Immigration
Services

L2

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: NOV 02 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:

[Redacted]

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

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 and, therefore, denied the application.

On appeal, counsel asserts that the applicant has met the necessary requirements for class membership as he had filed a written claim for class membership prior to October 1, 2000.

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 submitted two Forms for Determination of Class Membership in *CSS v. Meese*; one undated and unsigned, the other dated and signed by the applicant on May 8, 1995. The form signed by the applicant also contains a signature executed on May 12, 1995 by an officer of the Immigration and Naturalization Service (legacy INS), now Citizenship and Immigration Services.

In denying the application, the district director asserted that there was no indication in administrative or electronic records that the photocopied form provided by the applicant was ever actually received by the legacy INS. It has not been demonstrated, however, 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 applicant to the legacy INS would necessarily have been retained or routinely entered into Service data bases.

Pursuant to 8 C.F.R. § 245a.14(c), an applicant may submit, as evidence of having filed for class membership, any relevant document(s) which acknowledge his class membership. Counsel and the applicant have endeavored to provide evidence of the type set forth in this regulation indicative of having filed a timely claim for class membership in the *CSS* legalization class-action lawsuit. The photocopied form submitted by the applicant throughout the application process 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.