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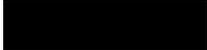


U.S. Citizenship  
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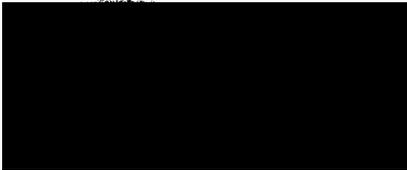
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FILE:  Office: NATIONAL BENEFITS CENTER Date: AUG 24 2005

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:



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 she 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 submitted evidence to the legacy Immigration and Naturalization Service establishing that she 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.

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.

With her LIFE application, the applicant submitted evidence in an attempt to establish her residence in the United States from before January 1, 1982 through May 4, 1988. The applicant also submitted a Form I-72 dated September 11, 1991, which listed the applicant's name and an alien registration number [REDACTED] for Form I-687 Application for Status as Temporary Resident. The Form I-72 informed the applicant that she had failed to prove class membership under CSS/LULAC.

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 form I-72 provided by the applicant did not establish a claim for class membership.

On appeal, counsel asserts that the applicant has been using the alien registration number in order to keep the legacy INS informed of her address. Counsel submits a photocopy of a Status Inquiry Form/Change of Address dated January 8, 2000, purportedly sent by the applicant to the Houston Office.

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 form provided by the applicant, he could have opted to require that the applicant supply the original of this document.

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. Counsel and 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 Form I-72 submitted by the applicant with her LIFE application process appears to be consistent and convincing and serves to corroborate her 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.