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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services



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FILE:



Office: Missouri Service Center

Date: FEB 23 2005

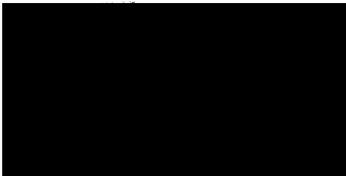
IN RE:

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. 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, reopened, and denied again by the Director, Missouri Service Center. It is before the Administrative Appeals Office on certification. The decision of the director is withdrawn and the appeal will be sustained.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 resubmits documents that the applicant filed with Citizenship and Immigration Services or CIS (formerly, the Immigration and Naturalization Service or INS) and argues that the requirements of the Act have been satisfied by the applicant.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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.

Along with his LIFE application, the applicant provided an undated photocopy of a Form M-180 notice from the Houston, Texas Legalization Office indicating that as he had submitted a Form I-687 for an initial interview and that he must submit a Form for Determination of Class Membership, which was enclosed. Additionally, he was instructed to submit his original birth certificate along with copy and was informed that the original would be returned to him. He also submitted a second request for an interview dated July 27, 1996, a third request dated February 19, 1997 and a fourth request dated April 18, 1997 from his attorney to the Houston, Texas office of the INS requesting that he have the opportunity to present his amnesty claim under C.S.S. as soon as possible. The applicant also submitted a postal return receipt form showing that article number P [REDACTED] ent on his behalf by his attorney was received by the Houston INS office on February 24, 1997.

In response to the director's Notice of Intent to Deny, the applicant provided a photocopy of another Form M-180 notice dated August 8, 1996 from the Houston, Texas Legalization Office again indicating that as he had submitted a Form I-687 for an initial interview that he must submit a Form for Determination of Class Membership, which was enclosed. Additionally, he was again instructed to submit his original birth certificate and a copy and that the original would be returned to him. The applicant resubmitted another copy of the attorney's second, third and fourth interview requests and the receipt listed above.

On appeal, the applicants resubmits another copy of the above documents and a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA signed by the applicant on July 15, 1996.

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. The photocopied documents submitted by the applicant serve to corroborate his claim on appeal that he attempted without success to apply for class membership CSS. In his decision, the director did note that CIS has no record of the applicant appearing for an appointment or filing a claim for class membership. However, he did not establish that the information contained in the Form M-180 notices was either false or inconsistent with the applicant's claims on the application or on rebuttal. 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 decision is withdrawn. The appeal to the director's decision dated September 3, 2002 is sustained.