

Identifying data deleted to  
prevent disclosure of unarranged  
invasion of privacy



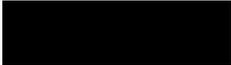
U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



L2

FILE:



Office: NATIONAL BENEFITS CENTER

Date: JAN 20 2006

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 and, therefore, denied the application.

On appeal, the applicant asserts that he has met the necessary requirements for class membership.

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.

On appeal, the applicant submitted a Form G-56 dated April 14, 1992, which informed the applicant of his appointment on April 21, 1992. The form indicated the reason for the appointment as "To submit your application for amnesty as a *CSS v. Thornburgh* or *LULAC v. INS* class member." The applicant also submitted a Form I-72, which informed the applicant that he had failed to establish class membership under *CSS*. The form contained a signature executed on April 21, 1992 by an officer of the Immigration and Naturalization Service (legacy INS), now Citizenship and Immigration Services.

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 applicant to the legacy INS would necessarily have been retained or routinely entered into Service data bases. Moreover, if the director has doubts regarding the authenticity of the photocopied forms provided by the applicant, he can opt to require that the applicant supply the original of these documents.

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. The applicant has 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 forms submitted by the applicant on appeal appear 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.