

INFORMATION ABOUT CSS, LULAC/NEWMAN AND THE LIFE ACT
(January 27, 2001)

Memorandum to Class Members

please distribute this to late-amnesty applicants, advocates and lawyers

From: Peter Schey

The CSS case is continuing in the courts. We hope to win a final decision in the CSS case which will provide a period of notice to all class members by letters, publicity, news media, etc., followed by an application period during which amnesty applications may be filed with the INS and fairly processed within a reasonable time. We will try to obtain a final judgment in which the court will monitor the program to make sure class members are treated properly by the INS. We hope the final decision will benefit all people who filed for work permits (even if they were not given work permits), and class members who did not file for work permits (for example because they were too young).

The LULAC/Newman case is also continuing, although "front-desked" class members have already had the opportunity to file applications. We hope to obtain a final decision for group 2 class members (those who visited an INS or QDE office during the 1987-88 application period but without a complete application and fee in hand -- Group 2). We hope the final decision will benefit all Group 2 class members, whether or not they applied for or were granted work permits.

People who have previously filed for work permits in CSS, LULAC and Zambrano cases (even if they were not granted work permits) may also apply for legalization under the LIFE Act. The deadline is May 31, 2002. We have been told the INS may extend the deadline. If we hear that the INS has extended the deadline, we will let as many people know as possible. Those who have access to the internet should check our web page weekly (www.centerforhumanrights.org) The INS has still not issued FINAL regulations implementing the LIFE Act.

If people already have work permits under CSS they have the option to renew these work permits. If they have problems renewing their work permits, they should contact me by email (pschey@centerforhumanrights.org) or telephone (213) 388-8693 ext. 104, or fax (213) 386-9484).

We will try to get a court order also allowing Newman/LULAC group 2 class members to renew their work permits.

If class members do not have work permits, we recommend they apply under the LIFE Act and also apply for work permits. If they have work permits, we recommend they begin preparing the documents needed for amnesty under CSS or LULAC, or LIFE Act applications (i.e. showing residence from before 1982 to may 4, 1988). These class members

have the right to wait to file their LIFE Act applications for another couple of months to see if the INS issues final regulations which change the standards of the program.

People may apply for the LIFE Act whether they're living in the U.S. or abroad. Either way they must prove they lived in the US from before 1982 to May 1988. Information about applying in the U.S. or abroad is available at the INS web site. We are not sure if blank applications can be obtained at INS offices in the U.S. and U.S. consulates abroad. They should be.

It is our position that class members should be allowed to apply for BOTH amnesty under CSS/LULAC AND for adjustment under the LIFE Act. The Courts will have to decide this question.

People who have applied for the LIFE Act and have received notices of denial or intention to deny, should telephone me at 213/388-8693 ext. 104 or send email to pschey@centerforhumanrights.org. They should also fax me copies of their LIFE Act application (I-485), the proof they filed that they had applied for a work permit under CSS, LULAC or Zambrano, and the letter of denial or intent to deny sent to them by the INS. Fax these documents to my attention at (213) 386-9484. Write your name, telephone number, email address (if you have one), and home address on the front of your fax.

People who believe they are class members but do not qualify for the LIFE Act because they never applied for work permits under CSS, LULAC or Zambrano, should also contact me by phone, fax or email for further information.

Class members who filed Legalization Questionnaire forms to INS in Washington DC or Vermont and were denied, or never heard back from the INS, may fax me copies of the documents the sent to the INS and copies of their denials (if they were sent a denial). Write your name, telephone number, email address, and home address on the front of your fax.

Class members whose Legalization Questionnaire forms were approved and who sent Legalization applications to INS in Texas and have heard nothing may send me copies of the approval from INS Washington DC or Vermont, and a copy of their legalization application (I-687) and fee receipt. Write your name, telephone number, email address, and home address on the front of your fax.

Class members should start organizing proof of 1982-88 residence now.

Proof of continuous residence from 1982 to 1988 may include:

Receipts, bus tickets, dental records, medical records, educational records, drivers license, letters addressed to the class members, stamped envelopes addressed to the class member, school records, telephone bills, rent receipts, leases, or any other piece of paper which has a date between January 1982 and May 1988 that was obtained by the class member. The document does not have to have the class member's name on it to be helpful to their application.

Every class member should get declarations from people in the United States and in the applicant's home country affirming that the applicant was living in the United States from before January 1982 until at least May 1988. These declarations do not have to be notarized, but it may help a little to have them notarized.

The person filing out the declaration should provide the kind of information on the sample declaration below or attached. Do not just copy this declaration and have people fill in the blanks. It would be much better to rewrite the declaration using the sample below just as a model.

Declarations should give as much detail as possible. For example, if a person is saying they have known the class member since 1984, explain how they first met the class member in 1984, where did they first meet the class member, etc. Also, provide as much detail as possible about how the person signing the declaration knows that the class member was present in the United States during certain years.

If people have little hard evidence (like rent receipts, educational records, medical records, etc.) showing that they lived here from before 1982 to May 1988, and file LIFE Act applications with only a couple of vague declarations from third parties, we think their LIFE Act applications will be denied.

Such class members (who have already filed LIFE Act applications with little hard evidence) should immediately start gathering the type of declarations described below, and supplement their applications with these additional declarations (send them to the INS with a cover letter stating your A number and asking that the declarations be added to your file). We recommend that class members not file LIFE Act applications until they have obtained the declarations they need to support the application. It is much easier to file an application than to get it approved.

Class members should keep copies of everything they send to the INS. This is very important.

The word "you" in the sample declaration below refers to the person filing out the declaration. The word "applicant" refers to the class member seeking to legalize his or her status (the person the declaration is being done for).

(SAMPLE) DECLARATION OF _____

I, _____, depose and say:

1. I am a lawful permanent resident of the United States [or: I am a citizen of the United States, or if living outside the US state: I am a citizen and national of _____].

2. I reside at _____ (address).

3. I am employed by _____ (name of employer), located at _____ (address of employer).

4. I have known _____ (full name of applicant) since approximately 19___. We first met in _____ (name of place where you first met). We met through _____ (explain who you met through). We met _____ (explain circumstances how you met)

5. If the person signing the declaration knew the applicant when the applicant first came to the U.S., explain details: In _____, 19 __ (date when applicant first came to the United States) I was residing at _____. At that time I was employed by _____, located at/in _____. I am aware that in _____, 19 __, _____ (name of applicant) came to the United States and began living here because _____

_____ (explain in detail how you know that the applicant came to the United States and started living here). I believe _____ (name of applicant) came to the U.S. with (name any people the applicant came to the U.S. with). I believe the applicant left _____ and traveled to _____. From there, _____ (name of applicant) has informed me that he (or she) entered the United States _____ (explain how the applicant entered the U.S. if you know. For example, Mrs. Jones has informed me that she first flew by air from Singapore to Toronto, and then was driven by a friend from Toronto to New York city where she started living).

6. (If you know this:) When _____ (name of applicant) first came to the United States s/he resided on _____ (name of street), in the City of _____, _____ (name of state). I know that _____ (name of applicant) lived at that address from about _____ to approximately _____, 19__, because _____

(explain in detail how you know applicant lived at that address; explain whether you visited together, if wo when and where and how often, explain whether you talked to the applicant on the phone, and if so about how often. If you were living aborad at the time, explain whether you and the applicant sent each other letters and/or spoke by telephone, and about how often). During this time I believe _____ (name of applicant) worked as a _____ (describe type of work) for _____ (name of employer, if known). (Explain how you know the applicant worked here -- did you work with the applicant, if so what years did you work there, in what position, etc. If not, did the applicant tell you he or she worked there? If so, explain you know this from information provided to you by the applicant (for example: During this time Mrs. Jones informed me that she was working as a housekeeper for the Hilton Hotel).

7. In about _____, 19____, _____ (name of applicant) moved to _____. I believe he (or she) lived there from about _____(provide month and year), until approximately _____ (provide month and year). During this time I know that _____ (applicant) was living at this address because _____ (explain in detail how you know applicant lived at that address; explain whether you visited together, if wo when and where and how often, explain whether you talked to the applicant on the phone, and if so about how often. If you were living aborad at the time, explain whether you and the applicant sent each other letters and/or spoke by telephone, and about how often). During this time I believe _____ (name of applicant) worked as a _____ (describe type of work) for _____ (name of employer, if known). (Explain how you know the applicant weorked here -- did you work with the applicant, if so what years did you work there, in what position, etc. If not, did the applicant tell you he or she worked there? If so, explain you know this from information provided to you by the applicant (for example: During this time Mrs. Jones informed me that she was working as a housekeeper for the Hilton Hotel).

8. In about _____, 19____, _____ (name of applicant) moved to _____ . I believe he lived there for about _____, until approximately _____ (date). During this time I know that _____ (applicant) was living at this address because _____ (explain if you visited or spoke with the applicant by phone, or corresponded by mail, etc.). During this time I believe _____ (name of applicant) worked as a _____ (describe type of work) for _____ (name of employer, if known). (Explain how you know the applicant worked here -- did you work with the applicant, if so what years did you work there, in what position, etc. If not, did the applicant tell you he or she worked there? If so, explain you know this from information provided to you by the applicant (for example: During this time Mrs. Jones informed me that she was working as a housekeeper for the Hilton Hotel).

9. Describe other addresses where you know the applicant lived from 1982 to May 1988 -- you don;tnhave to describe every address where the applicant lived -- you should describe every address that you know about in separate paragraphs.

10. Describe any other important events that show the applicant lived in the U.S. between 1982 and May 1988. Here are some examples. Only provide information you know about. In about May 1984 _____ (the applicant) was married to _____ in San Jose, California. From about _____ (month and year) to about _____ (month and year), _____ (name of applicant) was enrolled in _____ (name of school) taking classes in _____ (type of classes). In about _____ (month and year, _____ (name of applicant) gave birth to a baby boy (or girl) named _____ in the City of _____. In _____ (month and year) _____ (name of applicant) took a vacation with me and _____ (name other people) in _____ (name of place). DEscribe any otenhr special events you were part of or that the applicant told you about involving the applicant between January 1982 and May 1988.

11. If you are aware of this either from some first hand knowledge or because the applicant told you about it, describe the following.

For Newman/LULAC applicants: _____ (name of applicant) briefly departed the United States in about _____ (month/year) in order to visit _____ in _____ (name of country). Or describe the purpose of the visit. _____ (name of applicant) returned in about _____ (month and year). I know about this departure because _____ (describe how you know about this absence from the United States. For example, maybe applicant visited you in their home country, maybe you drove the applicant to an airport or bus station, maybe the applicant told you about the absence, maybe the applicant telephoned you while away).

For CSS applicants: _____ (name of applicant) briefly departed the United States in about _____ (month/year) in order to visit _____ in _____ (name of country). (Or describe the purpose of the visit). _____ (name of applicant) returned in about _____ (month and year). I know about this departure because _____ (describe how you know about this absence from the United States.) (for example, maybe applicant visited you in their home country, maybe you drove the applicant to an airport or bus station, maybe the applicant told you about the absence, maybe the applicant telephoned you while away).

12. If you know anything about how the applicant was turned away when they tried to file for amnesty during the application period from May 1987 to May 1988 describe what you know. You may know information because then applicant told you about it, they may have shown you the application they tried to file, you may have helped them file out an application, etc. Most applicants have already explained to the INS how they were turned away when they tried to apply for amnesty during the 1987-88 application period.

13. I know that _____ (applicant) is a person of good moral. I believe she (or he) will be an asset to the community and to the United States. State following only if true:

To the best of my knowledge _____ (name of applicant) has been convicted of any crimes in the United States or anywhere else..

10. Please do not hesitate to contact me if additional information is needed.

I declare under penalty of perjury that the foregoing facts are true and correct.

Executed this ___ day of _____, 19___, in the City of _____, State of _____.

sign _____
Type name

notorize if possible
(not required, but recommended)

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