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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File:

Office: Missouri Service Center

Date: AUG - 5 2003

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

**PUBLIC COPY**

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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.

for  
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, Missouri Service Center, and is now before the Associate Commissioner for Examinations on appeal. This matter will be remanded for further action and consideration.

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 had previously submitted sufficient documentation to establish that he was both eligible for and had applied for membership in the legalization class action lawsuits.

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).

Bureau regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. 8 C.F.R. § 245a.14. The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g). Furthermore, the pertinent regulation at 8 C.F.R. § 245a.14, requires the Bureau to determine whether an alien filed a written claim for class membership as reflected in the Bureau's indices and administrative files.

Upon receiving a notice of intent to deny, the applicant furnished a rebuttal statement and documentation addressing his claim of having applied for class membership. However, in the denial notice the director did not specify any deficiencies in the evidence furnished, and did not address the rebuttal statement.

It is noted that the director erroneously stated in the decision that the applicant was statutorily ineligible to adjust status under provisions of the LIFE Act because he had previously applied as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1160. As stated in 8 C.F.R. § 245a.10, an alien is eligible for consideration under the LIFE Act if he or she filed a written claim for class membership in one of the legalization class-action lawsuits cited above, regardless of whether the alien had submitted

a prior application for temporary resident status under either sections 245A or 210 of the INA.

The director must address the evidence furnished by the applicant and make a determination as to its sufficiency. Any perceived shortcomings in the evidence must be specified by the director in order that the applicant has the opportunity to file a meaningful appeal.

Accordingly, this matter will be remanded for the purpose of a new decision addressing the above. In the event the director denies the application again, this matter shall be certified to this office for review.

**ORDER:** This matter is remanded for further action and consideration pursuant to the above.

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425 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D.C. 20536

[REDACTED]

File: [REDACTED] Office: Missouri Service Center Date: **AUG - 5 2003**

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).

IN BEHALF OF APPLICANT: [REDACTED]

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*Robert P. Wiemann*  
for

Robert P. Wiemann, Director  
Administrative Appeals Office

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

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, the applicant states that she is applying as a derivative beneficiary of her husband's LIFE Application.

An applicant for permanent resident status under section 1104 of 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 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). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. 8 C.F.R. § 245a.10.

The record contains sufficient evidence to establish that the applicant's husband has filed a LIFE Application and that he has filed a timely claim for class membership. However, on the Form G-325A, Record of Biographic Information, that was submitted with the LIFE Act application, the applicant specifically acknowledged that she and her husband were married on March 9, 1994 in Newark, New Jersey. As the applicant was married on March 9, 1994, the requisite relationship to her husband did not exist when he may have attempted to apply for legalization in the 1987-88 period. Therefore, the applicant cannot derive status from her husband under section 1104 of the LIFE Act. Given her inability to meet this requirement, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.