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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.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536



AUG 29 2003

File:

Office: MISSOURI SERVICE CENTER

Date:

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).

IN BEHALF OF APPLICANT: Self-represented

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 unit, 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 by the Director, Missouri Service Center, and is now before the Administrative Appeals Office on appeal. This matter will be remanded for further action and consideration.

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 going to a Bureau office to obtain a copy of her application for class membership. The file contains no further response from the applicant.

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). See 8 C.F.R. § 245a.10. 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.

The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g). Furthermore, the regulations require the Bureau to determine whether an alien filed a written claim for class membership as reflected in the Bureau's indices and administrative files.

The applicant initially failed to submit documentation addressing this requirement. However, upon receiving a notice of intent to deny, the applicant furnished a document in rebuttal. In the denial notice the director did not address the document. Also, there is no evidence in the record that the Bureau checked all appropriate indices and checked for other files.

The director shall document any efforts that were made to check Bureau indices and any other possible files for evidence of the applicant having applied for class membership. The director must also 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.

It is noted that the director stated in the decision that the applicant was statutorily ineligible to adjust status under provisions of the LIFE Act because he had originally applied as a special agricultural worker under section 210 of the INA. According to 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 in the previous paragraph, regardless of whether the alien had previously applied for temporary resident status under either sections 245A or 210 of the INA.

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.