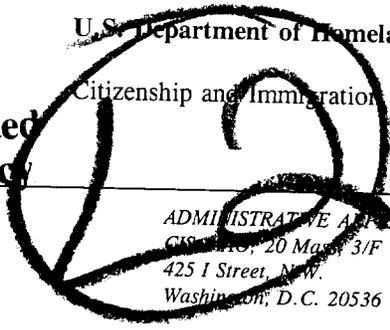


2003-10-02

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

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



ADMINISTRATIVE APPEALS OFFICE
CIS-110, 20 Mason 3/F
425 I Street, N.W.
Washington, D.C. 20536



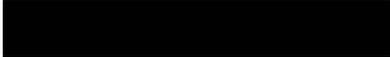
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Office: NATIONAL BENEFITS CENTER

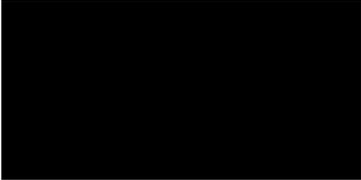
Date:

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:



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 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 states that he had filed evidence of his class membership prior to October 2000. According to the applicant, Citizenship and Immigration Services (CIS) interpreted evidence he provided in an application under section 210 of the Immigration and Nationality Act (Act) as evidence of his claim for class membership. The applicant also attached evidence of his purportedly having claimed class membership under section 245A of the Act before October 2000.

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.

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

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to the notice of intent to deny, the applicant furnished a statement that was addressed by the director in his denial notice. However, the director failed to address relevant evidence that was already part of the applicant's file. Specifically, the file contains a legalization questionnaire signed and dated June 21, 2000, and a corresponding letter from CIS's Vermont Service Center addressing the questionnaire.

The director must address the evidence in the applicant's file 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.