

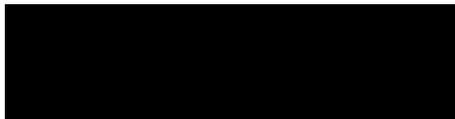
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U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 Eye Street N.W.  
Washington, D.C. 20536



SEP 09 2003

File:



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).

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the district office that processed your case. If your appeal was sustained, or if your case was remanded for further action, the district office 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.

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 (AAO) on appeal. The matter will be remanded for further consideration and action.

The director denied the application as he concluded that the applicant was inadmissible under section 212(a)(6)(E)(i) of the Immigration and Nationality Act (INA), because he had been convicted of alien smuggling by the United States Magistrate in Shreveport, Louisiana on October 22, 1985.

While the director was correct in stating that the applicant was inadmissible under section 212(a)(6)(E)(i) of the INA, such grounds of inadmissibility may be waived pursuant to 8 C.F.R. § 245a.18.

The director made no determination in this case regarding the basis threshold requirement of LIFE adjustment: whether the applicant had applied for class membership in any of the legalization class-action lawsuits. It is also not clear that the director considered actual criminal ineligibility in this matter. If the director concludes the applicant meets these requirements, he shall permit the applicant to apply for a waiver of the ground of inadmissibility referred to above. If the director concludes the applicant is not eligible due to criminality or the class membership issue the director should pursue that particular issue. Accordingly, this matter will be remanded for the purpose of a new decision addressing the above.

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