

PUBLIC COPY

U.S. Department of Homeland Security

Citizenship and Immigration Services

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

LA

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 MASS, 3/F
425 I STREET, N.W.
Washington, D.C. 20536



SEP 22 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).

ON 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
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 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 complains that, as evidenced by the response he received to a Freedom Of Information Act request, Citizenship and Immigration Services (CIS) did not consider all of the documents in its records.

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) (CSS), 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. CIS 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. That regulation also requires CIS to determine whether an alien filed a written claim for class membership as reflected in CIS' indices and administrative files.

CIS records reveal that the applicant has another file, A29 038 700. However, there is no evidence in the record that the director checked that file for relevant documents. The director shall obtain the other file, and review it for evidence of the applicant having applied for class membership. The director must also address any 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. Furthermore, the other file, A29 038 700, must be included if this matter is returned to this office.

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