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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[REDACTED]

LA

FILE:

[REDACTED]

Office: Los Angeles

Date: JUL 29 2004

IN RE:

Applicant:

[REDACTED]

PETITION: 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:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. 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 District Director, Los Angeles. It is now on appeal before the Administrative Appeals Office (AAO). The matter will be remanded for further consideration.

The district director denied the application, having concluded the applicant was ineligible for adjustment to permanent resident status under section 1104(c)(2)(D)(ii) of the LIFE Act and 8 C.F.R. § 245a.11(d)(1), by reason of his having been convicted of three misdemeanors.

However, there is no indication in the record of proceedings that a *Notice of Intent to Deny* was ever issued to the applicant by the district director. Pursuant to 8 C.F.R. § 245a.20(a)(2):

When an adverse decision is proposed, the Service [now, Citizenship and Immigration Services or CIS] shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted a period of 30 days from the date of the notice in which to respond to the notice of intent to deny. All relevant material will be considered in making a final decision.

Accordingly, the case will be remanded for inclusion of the notice of intent into the file. If such notice has not in fact been rendered, the director shall review the case for the purpose of sending the applicant a notice of adverse information prior to rendering a new decision addressing the above. The applicant in such case will be permitted to file an appeal to the AAO, without a fee, from a new adverse decision.

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