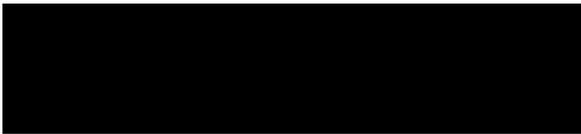


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prevent clearly unwarranted  
invasion of personal privacy**



**U.S. Citizenship  
and Immigration  
Services**



LA

FILE:



Office: New York

Date: JUN 23 2004

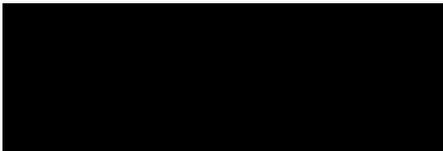
IN RE:

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:

This is the decision of the Administrative Appeals Office in your case. The file has 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, New York, New York, and is now before the Administrative Appeals Office on appeal. This matter will be remanded for further action and consideration.

The director determined that the applicant had not demonstrated that he had entered the United States prior to January 1, 1982. The director also found that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, the applicant states that although he appeared for an in-person interview and was not represented by any attorney, the facts in the director's order are incorrect because on that date he was not even called inside "DAO's office, the official venue where such interviews are normally conducted. "The applicant indicates that his sworn statement explaining the details of his original arrival in the U.S. in 1981, his brief trip of less than 45 days to Pakistan in 1982 to see his sick mother and his reentry in the United States on August 28, 1982 by using a B-1 visa should cause his application to be approved. The applicant outlines the evidence that has been submitted for the record and argues that his entry to the United States on April 19, 1989 as a nonimmigrant visitor for pleasure should not cause his application to be denied. The applicant argues that he was not put on notice of the deficiencies found by the director and given a reasonable opportunity to address them before the denial and that he is producing additional evidence addressing that deficiency.

The applicant appears to be represented by a new attorney. However, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative from that person. All representations will be considered, but the decision will be furnished only to the applicant and the original attorney of record.

The regulations at 8 C.F.R. § 245a.20(a)(2) state, in pertinent part:

*Denials.* The alien shall be notified in writing of the decision of denial and of the reason(s) therefore. When an adverse decision is proposed, 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.

The record does not reveal that a notification of the director's intent to deny the application was sent to the applicant. Accordingly, the decision of the director is withdrawn. The case will be remanded for the purpose of the issuance of an intent to deny notification to the applicant, should the director decide that is still warranted, and a new decision. The new decision shall be certified to this office for review.

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