



U.S. Citizenship
and Immigration
Services

L2

[REDACTED]

FILE: [REDACTED] Office: New York

Date: OCT 29 2006

IN RE: Applicant: [REDACTED]

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:

[REDACTED]

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 submitted proof of financial responsibility. The director also determined that the applicant could not be considered as one who resided continuously in an unlawful status prior to January 1, 1982 because of the discrepancies and deficiencies cited in his testimony and the evidence.

On appeal, counsel states the decision misconstrues the applicant's evidence and fails to apply the appropriate legal standard to the public charge issue.

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 Accordingly, the decision of the director is withdrawn.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.