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



U.S. Citizenship
and Immigration
Services

22

[Redacted]

FILE:

[Redacted]

Office: Los Angeles

Date: **JAN 06 2005**

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 your case 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, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director concluded the applicant had abandoned his application for permanent residence by failing to respond to a request for additional supporting documentation within the requisite time and, therefore, denied the application.

On appeal, counsel indicates that the applicant is providing requested documents. Counsel submits documentation in support of the appeal.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned, and accordingly shall be denied. 8 C.F.R. § 103.2(b)(13).

The record reflects that the applicant submitted a Form I-485 LIFE Act application to the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) on March 18, 2002. The record shows that the applicant appeared for the requisite interview relating to his LIFE Act application at the Los Angeles District Office on September 25, 2003. At his interview, the applicant was issued a Form I-72, Request for Additional Information, in which he was asked to provide a Social Security earnings statement or other related documentation. The record further shows that as of December 30, 2003, the applicant failed to submit the requested documents.

The director determined the application had been abandoned and, therefore, denied the application pursuant to 8 C.F.R. § 103.2(b)(13). The director did, however, advise the petitioner that he could file a motion to reopen in accordance with 8 C.F.R. 103.5(a)(2).

A denial due to abandonment may not be appealed, but an applicant may file a motion to reopen or reconsider under 8 C.F.R. § 103.5. 8 C.F.R. § 103.2(b)(15). As a denial due to abandonment cannot be appealed under 8 C.F.R. § 103.2(b)(15), the appeal must be rejected.

ORDER: The appeal is rejected.