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U.S. Citizenship  
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FILE:



Office: SAN ANTONIO

Date: APR 04 2006

MSC 01 349 60800

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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, San Antonio, Texas, and is now before the Administrative Appeals Office on appeal. The matter will be remanded for further action and consideration.

The district director denied the application because 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.

An applicant for permanent resident status must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b)

The record, as it stands, does not contain *any* evidence to establish that the applicant had continuously resided in an unlawful status in the United States since before January 1, 1982 through January 4, 1984. Accordingly, the application is not approvable under 8 C.F.R. § 245a.11(b).

The record, however, does not reflect that a Notice of Intent to Deny was issued prior to the director's Notice of Decision.

The regulation at 8 C.F.R. § 245a.20(a)(2) provides that when an adverse decision is proposed, the Citizenship and Immigration Services shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted 30 days from the date of the notice in which to respond to the Notice of Intent to Deny.

Furthermore, the record does not reflect that the director complied with counsel's request for a copy of the record of proceedings pursuant to 8 C.F.R. § 245a.20(b)(1).

Accordingly, the case is remanded for the issuance of a Notice of Intent to Deny, compliance with counsel's request for a copy of the record of proceedings, and for the entry of a new decision in accordance with the foregoing. If the new decision is adverse, it shall be certified to this office.

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