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U.S. Citizenship  
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FILE:



Office: NATIONAL BENEFITS CENTER

Date: FEB 22 2006

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 Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The regulation at 8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen under 8 C.F.R. § 103.5.

The record reflects that on April 23, 2004, the director denied the application due to abandonment because the applicant failed to respond to a request to appear for fingerprinting.

There is no appeal of the director's decision in the present matter. Nevertheless, the record was forwarded to the AAO for adjudication. The director's error, however, does not, and cannot, supersede the regulation regarding the ability of the AAO to consider the appeal. As there is no appeal of the decision in the present matter, the appeal will be rejected.

The record does reflect that counsel submitted a *timely* motion to reopen/reconsider, which was received at the Missouri Service Center on May 20, 2004. As such, this matter falls within the jurisdiction of the Service Center.

**ORDER:** The appeal is rejected.