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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]
MSC 02 044 63286

Office: ATLANTA

Date:

JUL 18 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. All documents have 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, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Atlanta. The matter is now before the Administrative Appeals Office. The appeal will be sustained; the application has been withdrawn.

On appeal, the applicant, through counsel, requests that his LIFE application be withdrawn. Counsel also explains that on February 16, 2005 the applicant presented a timely request to withdraw the LIFE application in response to the notice of intent to deny. Counsel correctly points out that the director erred in adjudicating the LIFE application on March 10, 2005. The withdrawal of the application was effective when filed and not dependent on the director's acknowledgement. The denial by the District Director was erroneous. *See Matter of Cintron*, 16 I&N Dec. 9 (BIA 1976).

Pursuant to the applicant's request, the LIFE application has been withdrawn.

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

ORDER: The appeal is sustained. The application has been withdrawn.