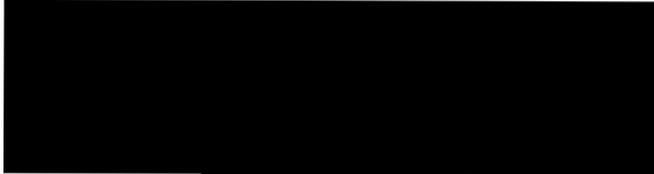


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U.S. Citizenship
and Immigration
Services

L2



FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: JUN 12 2006
MSC 03 161 62008

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: Self-represented

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, Chief
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 matter will be remanded for further consideration and action.

The director concluded that the applicant had been found inadmissible under section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (the Act), because he had made a false claim to United States citizenship. The director also concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000. Consequently, the director denied the application.

An applicant for permanent resident status under the provisions of LIFE Act must establish that he is admissible to the United States as an immigrant, except as otherwise provided under section 245A(d)(2) of the Act. Section 1140(c)(2)(D)(i) of the LIFE ACT.

The record reflects that on February 18, 1998, the applicant applied for admission into the United States by claiming to be a United States citizen. The applicant was found inadmissible under section 212(a)(6)(C)(ii) of the Act, and was processed for Expedited Removal. The fact that the applicant was removed under section 212(a)(6)(C)(ii) of the Act, and then reentered without permission under section 212(a)(9) of the Act, renders him inadmissible. However, such grounds of inadmissibility may be waived pursuant to section 245A(d)(2) of the Act; 8.C.F.R. § 245a.18(c).

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.

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

Accordingly, the case is remanded for the issuance of a Notice to Deny and for the entry of a new decision in accordance with the foregoing. The director shall also accord the applicant the opportunity to file an application for waiver of inadmissibility regarding sections 212(a)(6)(C)(ii) and 212(a)(9) of the Act. 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.