

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

L2

PUBLIC COPY

[Redacted]

FILE:

[Redacted]

Office: Los Angeles

Date:

NOV 28 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. 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, 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, 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 her 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 July 11, 2001. The record shows that the applicant appeared for her first interview relating to her LIFE Act application at CIS's Los Angeles, California District Office on February 10, 2003. At this interview, the applicant was issued a Form I-72, Request for Additional Information, in which she was asked to provide documentation to establish her compliance with the basis citizenship skills requirement and additional evidence to support her claim of continuous residence in the United States from prior to January 1, 1982 to May 4, 1988. The applicant was granted until September 23, 2004, the scheduled date of her next interview, to submit the requested documentation. The record further shows that as of date of her second interview on September 23, 2004, 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).

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.