



U.S. Citizenship
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Services

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FILE:

[REDACTED]

Office: HOUSTON

Date: **SEP 12 2007**

MSC 02 010 60731

IN RE:

Applicant: [REDACTED]

PETITION: 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, 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, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. This matter will be remanded for further action and consideration.

The district director denied the applicant's application due to abandonment because the applicant failed to respond to a request for additional evidence.

On appeal, the applicant contends that he did respond to the request for additional evidence and provided a copy of a postal return receipt dated November 5, 2003, as well as the previously submitted evidence.

The regulations at 8 C.F.R. § 245a.20(a)(2) state, in pertinent part:

Denials. The alien shall be notified in writing of the decision of denial and of the reason(s) therefore. When an adverse decision is proposed, CIS shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted a period of 30 days from the date of the notice in which to respond to the notice of intent to deny. All relevant material will be considered in making a final decision.

In light of the evidence indicating that the applicant did, in fact, respond to the director's request for additional evidence, the director's decision of abandonment is withdrawn. In addition, the record does not reflect that the applicant was issued a notice of intent to deny. Accordingly, the case will be remanded for the purpose of the issuance of a notice of intent to deny, if appropriate, as well as a new final decision to the applicant. The new decision, if adverse to the applicant, shall be certified to this office for review.

ORDER: The director's decision of abandonment is withdrawn. This matter is remanded for further action and consideration pursuant to the above.