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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC 02 165 61203

Office: HOUSTON

Date: MAR 14 2007

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further action consistent with the foregoing.

The district director concluded that the applicant failed to respond to the notice of intent to deny (NOID) issued on July 19, 2005, in which the applicant's date of unlawful entry into the United States was brought into question. However, the record shows that the applicant did in fact provide a timely response to the NOID and such response was received at the Houston district office on August 19, 2005. Therefore, the director's basis for denial is invalid.

Accordingly, the matter will be remanded for the purpose of considering the applicant's submissions in response to the NOID. After giving the matter due consideration, the director shall make a final determination as to the applicant's eligibility for permanent resident status under the LIFE Act. If the director determines that a denial is warranted, he shall address the applicant's submissions in a new decision, which shall be certified to the AAO for review.

ORDER: The director's decision dated August 25, 2005 is hereby withdrawn. The matter is hereby remanded for further consideration.