



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-02-064-61548

Office: NEW YORK Date:

AUG 22 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Records Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink that reads "Robert P. 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 Director, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant was found to have abandoned the application. Specifically, the applicant failed to appear for a scheduled interview or provide a valid reason for his nonappearance.¹

As stated in 8 C.F.R. § 103.2(b)(15), a denial due to abandonment may not be appealed. Since the denial in this case was based on the abandonment of the application, it may not be appealed. Therefore, the appeal will be rejected.

It is noted that, pursuant to 8 C.F.R. § 245a.20(c), the director may *sua sponte* reopen any adverse decision. Additionally, the director may certify any such decision to the AAO when the case involves an unusually complex or novel question of law or fact. 8 C.F.R. § 245a.20(d).

ORDER: The appeal is rejected.

¹ The applicant provided a Form G-28 Notice of Entry of Appearance as Attorney listing [REDACTED] as the applicant's attorney. It is noted that [REDACTED] was convicted in the United States District Court for the Southern District of New York for willfully causing the subscription of an immigration document containing a material false statement and presenting an immigration document containing a false statement. *In re: [REDACTED] Attorney*, ___ I&N ___ (BIA May 7, 2008). Mr. [REDACTED] was immediately suspended by the Board of Immigration Appeals on May 7, 2008, based on the conviction, pending final disposition of the case. As a result of his suspension, Mr. [REDACTED] representation will not be recognized by the AAO.