



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]

Office: Los Angeles

Date: FEB 16 2005

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: 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. 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, 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 his application for permanent residence by failing to respond to a request for additional supporting documentation within the requisite time allowed 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 January 29, 2002. The record shows that the applicant appeared for the requisite interview relating to his LIFE Act application at the Los Angeles District Office on May 15, 2003. At his interview, the applicant was issued a Form I-72, Request for Additional Information, in which he was asked to provide evidence of basic citizenship skills in the form of documentation indicating enrollment in or completion of attendance at a state recognized, accredited learning institution in the U.S. for one academic year or the equivalent indicating at least 40 hours of instruction in English *and* U.S. history or government. However, on January 30, 2004, when the applicant appeared for his second interview, he was unable to provide the requested academic certification.

The district 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.