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U.S. Citizenship
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FILE:



Office: Dallas

Date:

JAN 18 2005

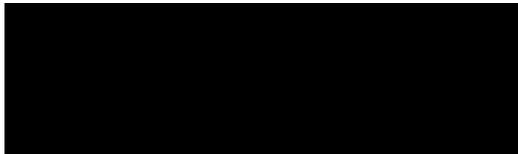
IN RE:

Applicant:



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:



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 Interim District Director, Dallas, 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 determined that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since prior to January 1, 1982 through May 4, 1988.

On appeal, counsel for the applicant requests a copy of the record of proceedings relating to the application, along with an additional 30-day extension once the copy has been received in order that he may file a meaningful response.

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, Citizenship and Immigration Services (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 the present case, a review of the record of proceedings does not indicate the presence of a notification of the director's intent to deny the application and does not show that such notification was ever sent to the applicant. Accordingly, the decision of the director is withdrawn. The case will be remanded for the purpose of the issuance of a notification of the district director's intent to deny to the applicant, along with a new decision. The new decision, if adverse to the applicant, shall be certified to this office for review.

ORDER: This matter is remanded for further action and consideration pursuant to the above.