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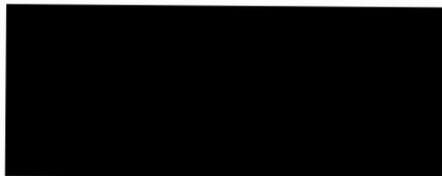
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, D.C. 20529



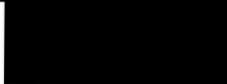
U.S. Citizenship  
and Immigration  
Services

L2

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FILE:



Office: HOUSTON

Date:

NOV 03 2006

MSC 01 338 60302

IN RE:

Applicant:



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:



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. Any further inquiry must be made to that office.

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 on appeal. The case will be remanded for further action and consideration.

The director denied the application because the applicant failed to submit the court disposition, indictment and judgment of his October 11, 1991 arrest for retail fraud.

The regulation at 8 C.F.R. § 245a.20(a)(2) provides that when an adverse decision is proposed, Citizenship and Immigration Services shall notify the applicant of its intent to deny the application and the basis for the proposed denial. The applicant will be granted 30 days from the date of the notice in which to respond to the notice of intent to deny.

The record, however, does not reflect that a Notice of Intent to Deny was issued prior to the director's Notice of Decision.

Accordingly, the case is remanded for the issuance of a Notice of Intent to Deny and for the entry of a new decision in accordance with the foregoing. If the new decision is adverse, it shall be certified to this office.

We note that the record also reflects that the applicant was convicted in the County Criminal Court, Harris County, Texas on December 22, 1992, for the misdemeanor offense of failure to stop and give information, case number [REDACTED]. The applicant was sentenced to 30 days in jail. We further note that the applicant was the subject of an investigation of immigration fraud based on marriage to obtain immigration benefits. The investigation concluded on March 13, 1990, concluding that fraud could not be established.

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