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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: MSC 02 246 60959

Office: CHICAGO Date:

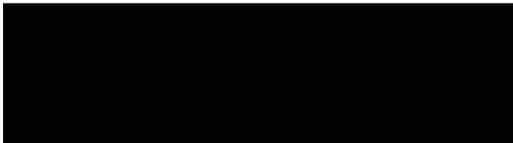
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IN RE: Applicant:



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. If your appeal was sustained, or if your case 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, 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, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988. On appeal, counsel states that the denial is erroneous, and indicates on Form I-290B that she would be forwarding a brief to the AAO within 30 days. As of the date of this decision, however, no additional documentation has been received.

A review of Citizenship and Immigration Services (CIS) records indicates that this applicant is subject to an Order of Deportation issued by the Board of Immigration Appeals on October 30, 1992, in accordance with the provisions of section 212(a)(9) of the Immigration and Nationality Act (Act). Furthermore, Form I-294, Warning to Alien Ordered Removed or Deported, dated May 14, 2003 indicates that the applicant was found deportable under sections 237 and 241 of the Act, and is thus prohibited from entering, attempting to enter or being in the United States for a period of 10 years from the date of his departure from the United States, which in this case was February 22, 2005. While neither the applicant nor counsel has withdrawn the appeal in this proceeding, the applicant is presently ineligible for adjustment to permanent resident status under section 1104 of the LIFE Act and the issues in this proceeding are moot. Therefore, this appeal is dismissed.

ORDER: The appeal is dismissed as moot.