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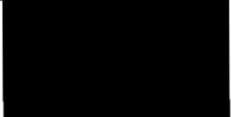
U.S. Citizenship
and Immigration
Services

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42

FILE:



Office: NEW YORK

Date:

APR 27 2009

consolidated herein]
MSC 03 049 62036

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits 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.

John F. Grissom
Acting Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the director in New York City.

The applicant filed an appeal, which was dismissed by the Chief, Administrative Appeals Office (AAO), on February 3, 2009.

On March 5, 2009, the applicant submitted a Form I-290B, Notice of Appeal or Motion, accompanied by a statement requesting that the AAO reopen his case and give him the chance to explain the evidentiary discrepancies cited in the decisions issued by the district office and the AAO.

The regulation at 8 C.F.R. § 245a.20(c), however, provides that “[m]otions to reopen a proceeding or reconsider a decision shall not be considered under this Subpart B [LIFE Act].” Since the AAO has no authority to consider the applicant’s motion, it must be rejected.

ORDER: The motion to reopen is rejected.