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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

L2

FILE: [REDACTED]
MSC 02 032 63478

Office: LOS ANGELES, CA

Date: **APR 22 2010**

IN RE: Applicant: [REDACTED]

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 forwarded to the U.S. Citizenship and Immigration Services National Records 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 if the matter was remanded for further action, the record of proceedings was returned to the office that originally issued a decision in your case, and you will be contacted.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: On November 1, 2001, the applicant filed an application for status as a lawful 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). That application was denied by the director, Los Angeles, California and is before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed as abandoned.¹

The director determined that the applicant is not eligible to adjust status under the LIFE Act because he had been in the United States in lawful status during at least a portion of the relevant period which began on a date prior to January 1, 1982 and continued through May 4, 1988. Therefore, the director denied the application.

On appeal, the applicant through counsel asserted that he has established unlawful residence throughout the relevant period, and that he is otherwise eligible to adjust to lawful permanent resident status under the LIFE Act.

The AAO issued a request for evidence (RFE) in this matter on November 5, 2009. This office noted in that request that the applicant must submit a current address. In response, the applicant did not provide a current address, but only stated through counsel that he is currently residing in Jordan.

On February 17, 2010, the AAO sent the applicant a notice of intent to dismiss (NOID) which stated that as the response to the AAO's request for evidence provided through counsel did not include the applicant's current address, it was not clear whether the applicant received the AAO's RFE. It is also unclear whether the applicant is still pursuing this application to adjust to lawful permanent resident status under the LIFE Act, or whether he intentionally abandoned the application upon his return to Jordan.

In the NOID, the AAO indicated that in order to complete the processing of this application, the applicant must submit documentary proof of his current address. The AAO also indicated that it needs a statement dated and signed by the applicant in which he states that he is still pursuing this application and that he requests that this office render a decision on the appeal. As this is his

¹ All legalization and LIFE legalization cases filed with the U.S. Citizenship and Immigration Services (USCIS) which turn on the question of whether an applicant's unlawful status was known to the government throughout the statutory period and related issues were held for an extended period until the final terms of various legalization class-action lawsuits which relate to these issues were handed down, the final such class-action lawsuit being: *Northwest Immigrant Rights Project, et al. vs. U.S. Citizenship and Immigration Services, et al.*, 88-CV-00379 JLR (W.D. Was.) (NWIRP). It is the facts of this case that forced USCIS to place it and others like it on hold, rather than some request on the applicant's part that the case be held pending the outcome of these class-action lawsuits/settlement agreements. The terms of the NWIRP Settlement Agreement were handed down during September 2008. After that, this office began adjudicating these appeals in the order received. Consequently, this appeal was not completed within the processing time that legalization appeals are normally completed.

application to adjust status to lawful permanent resident status in the United States, the applicant personally must make this request. A representative may not make the request for him.

The AAO stated in the February 17, 2010 notice of intent to dismiss that according to the regulation set forth at 8 C.F.R. § 103.2(a)(13)(i), whenever an applicant does not submit requested material necessary for the processing and approval of a case by the required date, the matter may be summarily dismissed as abandoned. This office also stated that if it did not receive the requested material, regarding whether the applicant is pursuing this appeal and his address, within 30 days of the date on the notice of intent to dismiss, the AAO would summarily dismiss the appeal as abandoned.

More than 33 days have passed and neither the applicant nor counsel has replied to the AAO's February 17, 2010 notice of intent to dismiss.

ORDER: The appeal is summarily dismissed as abandoned.