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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090

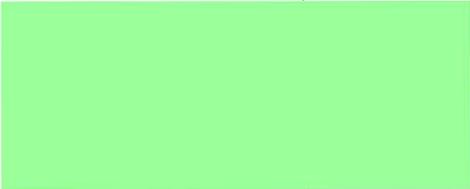


U.S. Citizenship
and Immigration
Services

Date: DEC 04 2013

Office: NEWARK

FILE: 

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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,



Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Newark District Director, and the Administrative Appeals Office (AAO) dismissed the applicant's subsequent appeal. The AAO rejected a motion to reopen and reconsider. The matter is again before the AAO on a motion to reopen. The motion will be rejected.

On October 12, 2005, the director denied the application for adjustment to permanent resident status under the LIFE Act, finding the applicant had failed to establish his eligibility.

On July 31, 2008, the AAO dismissed an appeal and affirmed the director's decision. Approximately four and one-half years after the AAO dismissed the appeal, the applicant filed a motion to reopen. The AAO rejected the motion. The applicant has filed a second motion to reopen.

Motions to reopen a proceeding or reconsider a decision on an application for permanent resident status under section 1104 of the LIFE Act are not permitted. 8 C.F.R. § 245a.20(c). The AAO may *sua sponte* reopen any proceeding conducted by the AAO under 8 C.F.R. § 245a and reconsider any decision rendered in such proceeding. 8 C.F.R. § 103.5(b). The record reveals no error in the adjudication of the application for adjustment to permanent resident status or the appeal that would warrant reopening.

Accordingly, the motion will be rejected. The application will remain denied and the appeal will remain dismissed for the previously stated reasons.

ORDER: The motion is rejected.