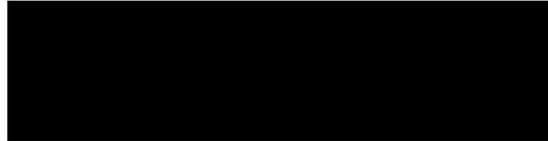


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Services

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WZ

MAR 13 2007

FILE:



MSC 02 150 60691

Office: LOS ANGELES

Date:

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:

Self-represented

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, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further action and consideration.

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.

In a Notice of Intent to Deny issued on July 2, 2004, the director advised the applicant that she had an extensive history of receiving public assistance from 1995 to 2003 and, therefore, did not have sufficient history of verifiable income. The director determined that the applicant may be likely to become a public charge. The applicant, in response, provided a Form I-864, Affidavit of Support and evidence of continuous employment from November 2002. The applicant also provided a letter dated July 28, 2004 from Los Angeles Treasurer and Tax Collector, which indicated that the applicant had received welfare service from April 1985 to July 2003; food stamps from March 1995 to July 2003 and Medi-Cal for her United States born children from December 1991 to February 1993 and since March 1995.

The director, in denying the application, noted that the applicant had provided sufficient evidence to establish that she will not likely become a public charge. However, the applicant had failed to rebut or dispute the matter regarding the lack of evidence to establish her residence during the requisite period.

A review of the Notice of Intent to Deny reflects that the applicant was advised that "the documents you submitted do not establish that you entered the US before January 1, 1982 and resided in continuous unlawful status since that date through May 4, 1988."

The purpose of the notice of intent is to allow the applicant an opportunity to address any discrepancies or adverse information outlined by the director. The director, however, did not specify why the documents were considered insufficient and, therefore, the Notice of Intent to Deny by no means specifically informed the applicant of any information to an extent to which the applicant could explain discrepancies or rebut any adverse information. The record, as it stands, does not contain sufficient evidence to establish the applicant's entry into the United States prior to January 1, 1982 and her continuous residence since such date through October 1986.

Accordingly, the case will be remanded for the issuance of a Notice to Deny addressing the above and any other perceived shortcomings. If the new decision is adverse, it may be certified to this office.

ORDER: The case is remanded for appropriate action and decision consistent with the foregoing.