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U.S. Citizenship
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: SEP 11 2006
WAC 05 049 52199

IN RE: Petitioner: [Redacted]
Beneficiary: [Redacted]

PETITION: Immigrant Petition for Alien Worker as Outstanding Professor or Researcher Pursuant to Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

ON BEHALF OF PETITIONER:



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, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish that she satisfied the “basic citizenship skills” required under section 1104(c)(2)(E) of the LIFE Act and failed to appear for her second interview.

On appeal, the applicant stated that she did not receive notice to appear for a second interview. The applicant stated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that she would submit a brief and/or additional evidence within 30 days of filing the appeal. As of the date of this decision, however, more than 21 months after the appeal was filed, no further documentation has been received by the AAO. Therefore, the record will be considered complete as presently constituted.

The record reflects that, during her interview on April 4, 2003, the applicant did not demonstrate a sufficient understanding of English to be placed under oath. The record also reflects that the applicant and her attorney were notified by a letter dated March 12, 2004, that she was to appear for an interview on April 8, 2004. The letter was sent to the applicant and her attorney at their addresses of record. The record does not indicate that either of the letters was returned by the United States Postal Service as undeliverable.

The applicant submitted no additional documentation with the Form I-290B.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding; therefore, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed. This decision constitutes a final notice of ineligibility.