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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-03-007-60159

Office: LOS ANGELES

Date: **MAR 10 2009**

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: SELF-REPRESENTED

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, Los Angeles. The decision is now before the Administrative Appeals Office (AAO) on appeal. This matter will be remanded for further action and consideration.

The applicant appears to be represented; however, the record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative which bears the applicant's name and signature. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The director denied the application after determining that the applicant had failed to appear for his immigration interview scheduled for June 20, 2006, and had failed to request the interview be rescheduled by the date of the interview as required under 8 C.F.R. § 103.2(b)(13).

On appeal, the applicant asserts that he did not receive the Form G-56 notice to appear for an immigration interview, in relation to his application, until after the interview date had passed. The applicant also asserts that the notice was sent to his old address, and that he had sent a notice of change of address to the United States Citizenship and Immigration Services (USCIS) office prior to June 2006. The applicant submits as evidence a copy of his notice of change of address form.

A review of the record reveals that the Form G-56 notice of immigration interview was dated June 7, 2006. The record also shows that the applicant's original notice of change of address was received by USCIS on May 25, 2006. Accordingly, the decision of the director is withdrawn and the matter is remanded.

ORDER: This matter is remanded for further action and consideration pursuant to the above decision.