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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**



[REDACTED]

L2

FILE: [REDACTED] Office: SAN JOSE Date: FEB 14 2011

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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, San Jose, California and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application based on the determination that the applicant was ineligible to adjust to permanent resident status under the provisions of the LIFE Act. The director found that the applicant failed to appear for his scheduled interview with United States Citizenship and Immigration Services (USCIS) on August 18, 2004. As required by 8 C.F.R. 245a.19(a), the applicant may be afforded a second interview for good cause. The director noted that USCIS issued a Notice of Intent to Deny (NOID) on June 29, 2005, informing the applicant that he failed to appear and providing him an opportunity to provide evidence of good cause. The applicant failed to respond to the NOID and on October 6, 2006 the application was denied.

On appeal, the applicant indicates that the director erred in denying his case. He indicates that he submitted a medical excuse to USCIS requesting the rescheduling of the interview.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

Following *de novo* review, the AAO finds that the applicant was scheduled to appear for an interview on March 16, 2004. The interview notice was properly sent to the applicant's address of record. On March 10, 2004, the applicant submitted a "disability certificate" signed by [REDACTED] indicating that the applicant could not appear for medical reasons. The applicant was then rescheduled for an interview on August 14, 2004. The applicant failed to appear for this interview and did not provide a reason or request to be rescheduled.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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