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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L2

FILE:

MSC 02 211 61985

Office: DALLAS

Date: APR 29 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits [or Records] 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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

The district director denied the application on the basis that the applicant repeatedly failed to appear for an interview required in connection with his application.

On appeal, the applicant submits a brief statement and resubmits documentation previously provided.

As stated in 8 C.F.R. § 245a.19(a), “all aliens filing applications for adjustment of status...must be personally interviewed.... An applicant failing to appear for the scheduled interview, may, for good cause, be afforded another interview. Where an applicant fails to appear for two scheduled interviews, his or her application shall be denied for lack of prosecution.”

The record reflects that the applicant was mailed (at his correct address of record) notices to appear for interviews as follows:

1. On June 3, 2003, to appear on June 20, 2003;
2. On August 1, 2003, to appear on September 11, 2003;
3. On October 14, 2003, to appear on October 31, 2003;
4. On March 2, 2004, to appear on March 22, 2004; and,
5. On June 10, 2004, to appear on June 22, 2004.

In response to each of these notices, the applicant requested that his interview be re-scheduled. On two of those occasions (Nos. 1 and 2, above), the applicant’s request to re-schedule was not received until after the interview date.

On June 24, 2004, the district director issued a Notice of Intent to Deny (NOID) the application on the basis that the applicant had been afforded many opportunities to be interviewed, but had failed to appear as scheduled. The applicant was afforded 30 days to respond to the NOID. The record reflects that the applicant failed to respond.

On January 31, 2005, the district director denied the application. The applicant filed a timely appeal from that decision on February 28, 2005.

On appeal, the applicant states that he had responded to the most recent interview notice by asking that it be re-scheduled, and asserts that he has submitted documentation clearly establishing his eligibility for the benefit sought.

Based on a review of the record, the AAO concurs with the district director’s decision. The applicant has been afforded multiple opportunities to appear for an interview required in connection with his application. He has failed to appear as scheduled. Therefore, the appeal will be dismissed.

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