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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

L<sub>2</sub>

[REDACTED]

FILE:

[REDACTED]

Office: NEW YORK CITY

Date: DEC 20 2010

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:

[REDACTED]

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.

*Elizabeth McCormack*

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, New York City and is now before the Administrative Appeals Office (AAO) on appeal. This matter will be remanded for further action and consideration.

The district director denied the application because the applicant failed to appear for his interview on March 26, 2010. On March 22, 2010, United States Citizenship and Immigration Services (USCIS) received a request from the applicant's nephew, [REDACTED] to postpone the interview pending the applicant's return from Pakistan. The request was accompanied by a copy of the I-512L Authorization for Parole of an Alien into the United States issued to the applicant on December 15, 2009. The request was also accompanied by a photocopy of a "medical certificate" from [REDACTED] indicating that the applicant's wife was admitted to the hospital on March 2, 2010. The director noted that unless the request was submitted by the applicant or his attorney or authorized representative, it would not be honored.

On appeal, counsel for the applicant submits a copy of an itinerary indicating that the applicant departed the United States on January 18, 2010 for Pakistan. A copy of the airline ticket was also submitted, along with a copy of the applicant's passport page indicating that he entered Pakistan on January 20, 2010. There is no evidence that the applicant has returned from Pakistan.

The regulations at 8 C.F.R. § 245a.19 indicates, in part, ". . . an applicant failing to appear for the scheduled interview for good cause may be scheduled for another interview . . . where the applicant fails to appear for two scheduled interviews, the application shall be denied for lack of prosecution." Given the evidence of the applicant's departure for Pakistan, the AAO finds that the applicant shall be afforded one additional interview in accordance with 8 C.F.R. § 245a.19. Accordingly, the decision of the director is withdrawn. The case will be remanded for the purpose of granting the applicant a second interview and the continued adjudication of the application. The new decision, if adverse to the applicant, shall be certified to this office for review.

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