



U.S. Citizenship
and Immigration
Services

April 22, 2013

RE: _____ Application to Register Permanent Resident or Adjust Status (Form I-485) and Petition for Alien Relative (Form I-130), _____

ORDER

Upon consideration by the District Director, and in accordance with Title 8, Code of Federal Regulations (8 C.F.R.), § 103.5(a)(5)(iv)(3) (2011), the previous decision dated, February 2, 2013, is reconsidered for review.

DISCUSSION

This is in response to a request you filed to reconsider the decision of February 2, 2013. A denial notice was issued based upon a lack of prosecution of this subject's I-485 in accordance with O.I. 103.2 and Matter of Pearson, 13 I&N DEC. 152. It was the Service's contention that the applicant failed to comply with a reasonable request to appear for an interview and therefor failed to participate in the interview process. However, the applicant, through counsel argued that the appointment was reschedule by counsel and accepted by the Service. Counsel submitted a copy of the notice stamped as received by the Service. The Service will accept the explanation given and reopen the case.

CONCLUSION

After careful review of the file, it has been determined that Form I-485 and I-130 will be reopened for further consideration

IT IS FURTHER ORDERED

That after careful review of the evidence, you have overcome the grounds for denial. The previous decision is vacated, USCIS will continue with processing your Form I-485 and I-130. You will be notified of another interview date via regular mail.

If you need additional information, please visit the USCIS website at www.uscis.gov or call our National Customer Service Center toll free at 1-800-375-5283. You may also make an appointment to speak to a USCIS staff member in person at the USCIS office having jurisdiction over you current place of residence. To schedule an appointment, go to www.uscis.gov and select INFOPASS.