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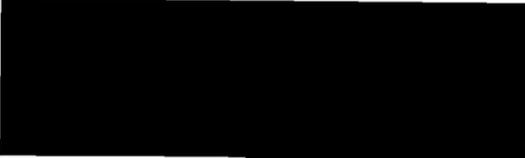
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

41



FILE:

XST 88 500 1068

Office: CALIFORNIA SERVICE CENTER

Date: SEP 27 2006

IN RE:

Applicant:



APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied and the matter subsequently reopened by the Director, Western Service Center. The application was denied again by the Director, California Service Center, and is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The Director, California Service Center, finally denied the application because the applicant failed to appear for fingerprinting.

On December 3, 2002, the applicant was requested to appear at the Immigration and Naturalization Service's or the Service's (now Citizenship and Immigration Services or CIS) office in Sacramento, California in order to be fingerprinted on December 27, 2002. The applicant failed to appear. The director subsequently denied the application on September 16, 2004, because the applicant failed to appear for the required fingerprinting.

As of March 29, 1998, applicants for temporary resident status under section 245A of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a, are required to be fingerprinted at a Service or its successor CIS Application Support Center or an approved Designated Law Enforcement Agency.

Declarations by an applicant that he or she has not had a criminal record are subject to a verification of facts by the Service or its successor CIS. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service or its successor CIS in verifying information necessary for the adjudication of the application may result in a denial of the application. 8 C.F.R. § 245a.2(k)(5).

An alien applying for adjustment of status has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245A of the Act, and is otherwise eligible for adjustment of status. 8 C.F.R. § 245a.2(d)(5). The applicant has failed to meet this burden by not providing necessary evidence to establish that he is admissible under the provisions of section 245A of the Act. The applicant is, therefore, ineligible for temporary resident status under section 245A of the Act.

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