



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
WAC-94-051-436

Office: Los Angeles

Date:

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IN RE: Applicant: [REDACTED]

MAR 14 2007

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status 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. All documents have been returned to the office that originally decided 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Form I-698 application for adjustment from temporary resident status to permanent resident status was denied by the District Director, Los Angeles. It is now before the Administrative Appeals Office on appeal. The matter will be remanded for further consideration and action.

It is initially noted that material relating to another applicant was improperly placed in the record, and has since been removed by this office. All files must be reviewed prior to their forwarding for appellate action. Also, the director incorrectly stated the applicant was granted temporary residence on May 4, 1988. The correct date of approval was March 24, 1992.

The director issued a notice indicating the application for adjustment to permanent resident status was denied because the applicant failed to report for scheduled interviews, and failed to demonstrate knowledge of United States history and government and a minimal understanding of ordinary English. On appeal, the applicant states that she missed the first interview due to illness, and that she lost her papers concerning the second interview.

A review of the record indicates the following:

1. The application was received on December 15, 1993;
2. The Case Review Worksheet shows the application was granted on either March 18 or March 24, 1994;
3. A Citizenship and Immigration Services employee entered a note stating "I-698 approved" on Form I-765, Application for Employment Authorization, which was completed by the applicant on October 21, 2005.
4. A Claims Mainframe System printout dated January 6, 2006 indicates the application for adjustment to permanent residence was approved on March 24, 1994, and that an approval notice was sent on April 28, 1994.
5. Another Claims printout dated January 6, 2006, concerning Card Production Update Processing, seemingly indicates data had been captured for the creation of a card signifying permanent resident status.

While it seems the application was granted, there are some other indications in the record that the application may not have been granted. There is no Form I-181, Creation of Record of Lawful Permanent Residence, which is the official record of approval of adjustment. Nor is there a file copy of the approval notice that would have been sent to the applicant. However, the absence of these documents may simply be due to a failure to complete the processing of the paperwork.

The contradictions in the record must be addressed by the director. If she concludes the application was granted, the notice of denial shall be withdrawn, and the applicant shall be issued evidence of permanent residence status. If she concludes the application was not granted, she must set forth her reasoning in a memorandum to the record, and give the applicant another opportunity to appear for fingerprinting, as that appears to be the only impediment to approval.¹ Should the director deny the application again, the decision shall be certified to this office.

ORDER: The matter is remanded to the District Director, Los Angeles, for further consideration and action.

¹ The other reason given for denial, that the applicant failed to demonstrate knowledge of U.S. history and government and a minimal understanding of English, is not valid. The applicant clearly demonstrated she met the requirements by submitting, apparently in 1994, Form I-699, Certificate of Satisfactory Pursuit.