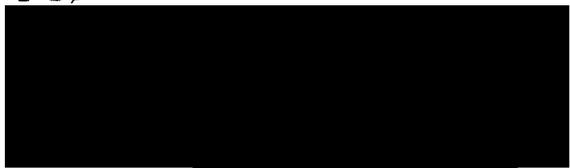


identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



Li

FILE: [Redacted] Office: LOS ANGELES Date: FEB 20 2008
XPW-91-027-00948

IN RE: Applicant: [Redacted]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under 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 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.

A handwritten signature in black ink, appearing to read "D. King" or similar, written over a horizontal line.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, Los Angeles District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to comply with the requirements for adjustment from temporary to permanent resident status concerning the English language and history and government of the United States. Specifically, the applicant failed to appear for either of two scheduled interviews.

On appeal, the applicant indicated that she had failed to notify Citizenship and Immigration Services (CIS) regarding her change of address. She stated that the letters sent by the director were never forwarded to her new address and that, as of December 27, 2007, she submitted a change of address form with CIS. The applicant provided no evidence of having met the English language and history and government of the United States requirements on appeal.

Any applicant who has been lawfully admitted for temporary resident status may apply for adjustment of status if the applicant (A) can demonstrate that he or she meets the requirements of section 312 of the Immigration and Nationality Act (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or, (B) can demonstrate he or she is satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States. *See* 8 C.F.R. § 245a.3(b)(4).

An applicant may demonstrate that the section 312 requirements have been met by speaking and understanding English during the course of the permanent residence interview, or by passing a standardized section 312 test given in the English language by the Legalization Assistance Board with the Educational Testing Service or the California State Department of Education with the Comprehensive Adult Student Assessment System. *See* 8 C.F.R. § 245a.3(b)(4)(iii). An applicant who fails to pass the English literacy and/or the United States history and government tests at the time of the interview shall be afforded a second opportunity after six months. 8 C.F.R. § 245a.3(b)(4)(iii)

The record indicates the applicant was scheduled for interviews with an immigration officer on August 27, 2007 and November 6, 2007. The applicant failed to appear for either of the scheduled interviews and, as stated above, the applicant failed to provide other evidence of having met the requirements related to the English language and history and government of the United States.

In denying the application, the director noted that the applicant failed to comply with the English language and history and government of the United States requirements for adjustment from temporary to permanent resident status.

On appeal, the applicant indicated that she had failed to notify Citizenship and Immigration Services (CIS) regarding her change of address. She stated that the letters sent by the director were never

forwarded to her new address and that, as of December 27, 2007, she submitted a change of address form with CIS. The applicant provided no evidence of having met the English language and history and government of the United States requirements on appeal. It is noted that the interview notices sent to the applicant were not returned as undeliverable. Also, the director's denial was sent to the same address as the interview notices. The applicant must have received the director's denial because it was included with her Form I-694 Notice of Appeal.

The applicant has not demonstrated that she can meet the requirements concerning the English language and history and government of the United States. 8 C.F.R. § 245a.3(b)(4)(i). Therefore, she is ineligible for adjustment from temporary to permanent resident status.

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