



U.S. Citizenship
and Immigration
Services

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APR 03 2007



FILE: [REDACTED]
XPW 91 021 0344

Office: LOS ANGELES

Date:

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

The district director denied the application because the applicant failed to report for two adjustment interviews. The district director also denied the application because the applicant failed to submit a complete application including all required supporting documentation.

On appeal, the applicant states that he missed his interview because the interview date had already passed by the time he picked up the mail from his post office box. He requests another opportunity to be interviewed.

An alien applying for adjustment of status from temporary to permanent resident must establish that he or she has continuously resided in the United States since the date the alien was granted temporary resident status; that he or she is admissible to the United States as an immigrant; and that he or she meets the requirements of section 312 of the Act, as amended, relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States or that he or she is satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding. 8 C.F.R. § 245a.3(b).

Each applicant, regardless of age, must appear at the appropriate Citizenship and Immigration Services (CIS) office and must be fingerprinted. Each applicant shall be interviewed by an immigration officer, except that the adjudicative interview may be waived for a child under 14, or when it is impractical because of the health or advanced age of the applicant. An applicant failing to appear for the scheduled interview may, for good cause, be afforded another interview. 8 C.F.R. § 245a.3(e).

The applicant's adjustment interview was originally scheduled for March 17, 2006. The applicant was informed that he must provide a certificate of satisfactory pursuit or be prepared to take the civics and English test. The notice was mailed to the applicant's post office box, but he failed to appear to be interviewed as scheduled. The interview was rescheduled for April 18, 2006. However, the applicant again failed to appear. The district director, therefore, denied the application.

On appeal, the applicant states that both scheduled interview dates had already passed by the time he picked up his mail from his post office box. He requests another opportunity to be interviewed.

The applicant has failed to appear for two interviews as scheduled. His failure to appear for two interviews was of his own making because he failed to collect his mail from his post office box. The applicant has also failed to demonstrate minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States. Nor has he established that he was satisfactorily pursuing an approved course of study to achieve such an understanding, as set forth at 8 C.F.R. 245a.3(b)(4)(i).

An alien applying for adjustment of status has the burden of proving by a preponderance of evidence that he or she has continuously resided in an unlawful status in the United States from prior to January 1, 1982 through the date of filing, is admissible to the United States under the provisions of section 245A of the Act, 8 U.S.C. § 1255a, and is otherwise eligible for adjustment of status. 8 C.F.R. § 245a.3(b). Due to his failure to report for the mandatory interview, and submit required documents, the applicant has not met this burden.

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