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**U.S. Citizenship  
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APR 13 2007

FILE: [REDACTED] Office: LOS ANGELES  
XPW 91 043 0932

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.

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

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, because the director determined that the applicant was likely to become a public charge. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director determined that the applicant is inadmissible to the United States under section 212(a)(4)(A) of the Act., 8 U.S.C. § 1182(a)(4)(A). That section states that any alien who is likely at any time to become a public charge is inadmissible.

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).

An alien who is likely at any time to become a public charge is inadmissible to the United States. Section 212A(4)(1) of the Act, 8 U.S.C. § 1182. This ground of inadmissibility may not be waived. 8 C.F.R. § 245a.3(g)(3)(ii).

In determining whether an alien is likely to become a public charge, financial responsibility of the alien is to be established by examining the totality of the alien's circumstances at the time of his or her application for legalization. The determination of financial responsibility should be a prospective evaluation based on the alien's age, income, and vocation. 8 C.F.R. § 245a.3(g)(4)(i).

An alien who has a consistent employment history which shows the ability to support himself or herself even though his or her income may be below the poverty level is not excludable under paragraph (g)(3)(ii) of this section. The alien's employment should be continuous in the sense that the alien must be regularly attached to the work force, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income without recourse to public cash assistance. Past acceptance of public cash assistance without a history of consistent employment will enter into this decision. The length of time an applicant has received public cash assistance will constitute a significant factor. 8 C.F.R. § 245a.3(g)(4)(iii).

The applicant appeared for her adjustment interview on April 14, 2006. She stated at her adjustment interview that she had been receiving Aid for Dependent Children (AFDC) for her four children since 1989. At the conclusion of her adjustment interview, the applicant was issued a Form I-72 requesting that she submit evidence of financial responsibility such as federal income tax returns, Form W-2 wage and earnings statements, employment letters, or a completed affidavit of support from a family member who has provided her with financial support. The applicant was instructed to submit evidence of financial responsibility within 60 days of the date of her interview. The record does not contain a response from the applicant.

On appeal, the applicant states that she is a single parent raising four children, all of whom are United States citizens. She states that it has been very hard for her to finish her education in order to get a decent job to support herself and her children. The applicant did not submit any evidence to demonstrate financial responsibility.

The applicant has stated that she has received public cash assistance in the form of AFDC funds for her children since 1989, a period of over 17 years. She has failed, both in response to the request for additional evidence and again on appeal, to submit any evidence to establish a consistent pattern of employment. Furthermore, she has failed to provide an affidavit of support from a responsible family member. It cannot be concluded that the applicant has established financial responsibility. Therefore, the director's determination that the applicant is likely to become a public charge will not be disturbed.

An alien applying for adjustment of status from temporary to permanent resident has the burden of proving by a preponderance of evidence that he or she has continuously resided in the United States since he or she was granted temporary resident status, 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 her failure to demonstrate financial responsibility, the applicant has not established admissibility. There is no waiver of this ground of inadmissibility. 8 C.F.R. § 245a.3(g)(3)(ii).

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