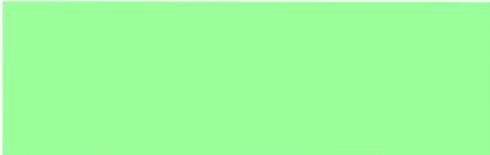




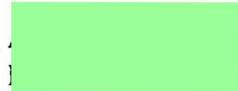
**U.S. Citizenship
and Immigration
Services**

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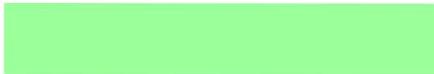


Date: **MAR 09 2013** Office: LOS ANGELES

FILE:



IN RE: Applicant:



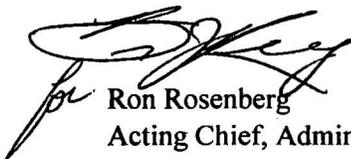
APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted.



Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary resident status to permanent resident status was denied by the Los Angeles Field Office Director. It 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 report for scheduled interviews on two occasions. The director further determined that the applicant had failed to establish that she satisfied the English and civics requirements of the Act.

On appeal, the applicant states that she failed to appear for the scheduled interviews because she did not receive the interview notices.

The regulation at 8 C.F.R. § 245a.3(e) states in pertinent part:

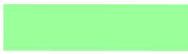
Each applicant shall be interviewed by an immigration officer, except that the adjudicative interview must be waived for a child under 14, or when it is impractical because of the health or advanced age of the applicant. An applicant failing to appear for the scheduled interview may, for good cause, be afforded another interview. Where an applicant fails to appear for two scheduled interviews, his or her application shall be held in abeyance until the end of 43 months from the date the application for temporary residence was approved and adjudicated on the basis of the existing record.

The applicant filed the application to adjust status from temporary to permanent resident (Form I-698). The record reflects that United States Immigration and Naturalization Services (USCIS) sent the applicant two separate notices to appear for an interview on her application for adjustment of status from temporary to permanent resident. The interview notices were mailed to the applicant at her address of record. The applicant failed to appear for these interviews.

Routine service of a required notice is completed when USCIS mails a copy of the notification to the applicant at his last known address. 8 C.F.R. § 103.5a(a)(1). The applicant bears the responsibility for informing USCIS of his most recent address. The applicant failed to notify USCIS of any change of address. Indeed, she indicated that she has the same address on her notice of appeal form. The AAO finds that the applicant was notified of these interviews, failed to appear, and failed to establish good cause for her failure to appear.

The applicant has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite period, is admissible to the United States under the provisions of section 245A of the Act, and is otherwise eligible for adjustment of status. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.2(d)(5). The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. 8 C.F.R. § 245a.2(d)(6).

On appeal, the applicant has failed to establish by a preponderance of the evidence that the director erred in denying the Form I-698 on the basis of her failure to appear for the scheduled interviews and



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her failure to establish that she satisfied the English and civics requirements of the Act. 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.