

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



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

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY

LJ

FILE:

[REDACTED] XPW 93 045 0084

Office: Los Angeles

Date: **JUN 12 2007**

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 from temporary to permanent resident status 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 noted that the applicant failed to appear for two adjustment interviews as scheduled. The district director, therefore, denied the application for adjustment of status from temporary to permanent resident because the applicant failed to demonstrate a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States.

On appeal, the applicant apologizes for missing her two adjustment interviews. She explains that she didn't have enough money for the required physical examination and also did not have a means of transportation to get to the East Los Angeles Legalization Office for her interview. She further states that she never got an interview appointment notice.

Any alien who has been lawfully admitted for temporary resident status under section 245a of the Act may apply for adjustment of status to that of an alien lawfully admitted for permanent residence if the alien can demonstrate that he or she meets the requirements of section 312 of the Immigration and Nationality Act (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 can demonstrate that 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. 8 C.F.R. § 245a.3(b)(4)(i).

The record reveals that the applicant filed her Form I-698, Application for Adjust Status from Temporary to Permanent Resident, on December 10, 1992. The applicant did not submit with the application any evidence to establish that she had met the requirements of section 312 of the Act relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States or that she was satisfactorily pursuing an approved course of study to achieve such an understanding.

The record contains an interview appointment notice dated May 17, 2006, instructing the applicant to appear at the East Los Angeles Legalization Office, located at [REDACTED] [REDACTED] Los Angeles, California, on June 6, 2006, for her adjustment interview. The applicant was instructed to bring the Form I-693 medical examination form, four photos, and proof that she had completed the section 312 civics and English test. The appointment notice was mailed to the applicant's address of record, [REDACTED] [REDACTED] but the applicant failed to appear for her adjustment interview as scheduled or request another opportunity to be interviewed. She did indicate that she was unable to keep the appointment because she "did not have all the requirements needed."

The record contains a second interview appointment notice dated June 12, 2006, instructing the applicant to appear at the East Los Angeles Legalization Office for her adjustment interview on June 26, 2006. This second interview appointment notice was also mailed to the applicant's

address of record, [REDACTED] but the applicant failed to appear for her adjustment interview or request another opportunity to be interviewed.¹

The director denied the application for adjustment of status from temporary to permanent residence on January 8, 2007, because the applicant failed to comply with the requirements of the regulation at 8 C.F.R. § 245a.3(b)(4)(i).

On appeal, the applicant states that she failed to appear for her adjustment interviews as scheduled because she didn't have enough money to pay for the medical examination and because she didn't have a means of transportation to get to the East Los Angeles District Office. She also claims that she never received an interview appointment notice.

The applicant's claim on appeal that she never received the interview appointment notices contradicts her other statement on appeal that she failed to appear for her interviews because she didn't have enough money to pay for the medical examination or a means of transportation to get to the East Los Angeles Legalization Office for either of her adjustment interviews as scheduled.

The applicant's statements on appeal have been considered. However, the fact remains that the applicant is ineligible for adjustment of status from temporary to permanent resident because she has failed to demonstrate minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States. Nor has she established that she 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). Therefore, the appeal must be dismissed.

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

¹ It is noted that the applicant listed her address on the Form I-694 appeal form as [REDACTED].” However, the applicant listed her address on her Form I-765, Application for Employment Authorization, as “[REDACTED]” This Form I-765 was signed by the applicant on April 4, 2006. Nowhere in the record of proceeding is there any indication that the applicant listed her address as [REDACTED] prior to the filing of the appeal.