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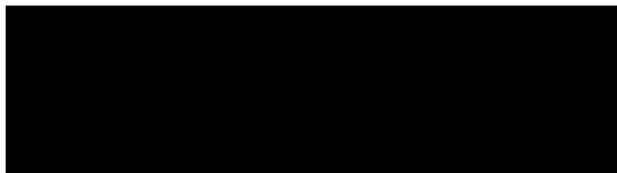
U.S. Department of Homeland Security  
20 Mass Ave. N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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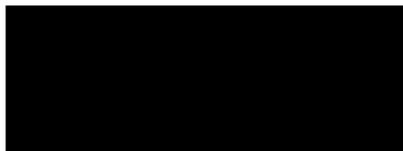
Office: Nebraska Service Center

Date: MAR 30 2007

IN RE: Applicant: [Redacted]

APPLICATION: Application for Adjustment of Status from Temporary Resident to Permanent Resident 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. 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 to permanent resident status was denied by the Director, Northern Regional Processing Facility. An appeal was filed, and the matter was then remanded by the Legalization Appeals Unit. The application was then reopened and denied by the Director, Nebraska Service Center. It is now before the Administrative Appeals Office on appeal. The matter will be remanded.

The application was initially denied because of the applicant's criminal record. On appeal, he established that his one misdemeanor conviction did not disqualify him for permanent residence. The application was, therefore, reopened, and later denied because the applicant failed to report for fingerprinting.

The Director, Nebraska Service Center, purportedly sent a notice to the applicant and prior counsel on *October 24, 2005*, advising them of the need for the applicant to report to the Chicago office of Citizenship and Immigration Services on *July 12, 2005* for fingerprinting. In addition to the error in terms of the dates, the director failed to send the notice to the most recent attorney of record. Furthermore, the notice was not sent to the applicant's more recent address as reported by that new attorney in 1994 on Form G-28.<sup>1</sup> Finally, the record shows yet another address for the applicant on a 1998 third-party report, although it is not clear that that information is necessarily more current than what was given by the applicant to counsel in 1994.

The director shall attempt to contact the attorney that most recently entered the case, and the applicant, in order to advise the applicant of the need for fingerprinting.

**ORDER:** The matter is remanded for action consistent with the above. Should the applicant and counsel fail to respond, and the application be considered abandoned, the resulting notice of denial is not subject to appeal pursuant to 8 C.F.R. § 103.2(b)(15).

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<sup>1</sup> It is noted that the earlier decision of the Legalization Appeals Unit was also sent to prior counsel and the outdated address of the applicant.