

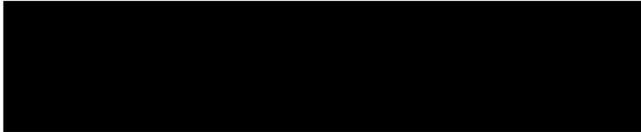
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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FILE:



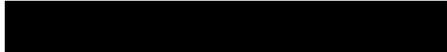
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IN RE:

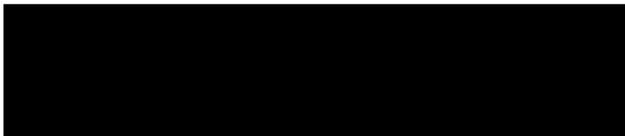
Applicant:



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:



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 remanded for further action, you will be contacted.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

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DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, Los Angeles. The Administrative Appeals Office (AAO) rejected the appeal. The AAO's decision rejecting the appeal shall be withdrawn. The director's decision denying the Form I-698 shall be withdrawn. The appeal will be sustained.

The record reflects that the applicant was granted temporary resident status under section 245A of the Immigration and Nationality Act (Act), as amended, 8 U.S.C. § 1255a. The applicant was required to file a Form I-698, Application to Adjust Status from Temporary to Permanent Resident Under Section 245 A of Public Law 99-603, within forty-three months of receiving his temporary resident status. 8 C.F.R. § 245a.3(b)(1). The applicant timely filed his Form I-698 on December 9, 1992.

On appeal, counsel asserts that the director erred in denying the applicant's request to reschedule his interview and that the director sent the notice of interview to a wrong address. He submitted the evidence requested by the director in the interview notice.

The record contains evidence that the applicant wrote on his Form I-765 dated July 4, 2006 that his address was [REDACTED]. The record contains a notice of interview dated August 9, 2007 addressed to the applicant at [REDACTED]. The notice of interview was returned to the Service on August 20, 2007, marked "Return to sender. Not deliverable as addressed. Unable to forward." Per chance, the applicant appeared at the Service on the day of the scheduled interview, August 28, 2007 and passed the English/Civics test. He passed the test and requested that the director reschedule or continue his interview to permit him time to gather the requested evidence. Instead, the director denied the Form I-698 due to abandonment.

An interview may be rescheduled for good cause. 8 C.F.R. § 245A.3(e). Here, the applicant demonstrated good cause for the director to reschedule or continue his interview. Further, the applicant has established his continuous residence in the United States since his temporary resident status was approved. The applicant has demonstrated his eligibility for adjustment from temporary to permanent resident status.

ORDER: The appeal is sustained.

