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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529 - 2090

U.S. Citizenship and Immigration Services

Date: FEB 2 5 2013 Office: LOS ANGELES FILE:

IN RE: Applicant:

APPLICATION: Application for Status as a Temporary 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. 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.

for Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The applicant filed a Form I-687 application for temporary resident status during the original legalization filing period in 1988. The application was granted on September 29, 1989. The applicant's temporary resident status was terminated on September 11, 2008 on the basis that she had failed to establish that her unlawful status was known to the government. In 2009, she filed a motion to reopen based upon the Northwest Immigrant Rights Project Settlement agreements (NWIRP). The Administrative Appeals Office (AAO) determined that the applicant had established that she is an NWIRP class member and remanded the matter to permit the applicant to file a Form I-690 application for a waiver of grounds of inadmissibility.[1] The director issued a notice of intent to deny her application for status as a temporary resident if she failed to file a Form I-690. She filed a Form I-690, which was approved.[2] The director notified the applicant to appear for fingerprinting on December 16, 2011. She requested a reschedule. The director granted the request and notified her to appear for fingerprinting on February 22, 2012 and again on June 13, 2012. She failed to appear. She asked the director to reschedule her June 13, 2012 appointment, but it was not received until June 19, 2012. The director denied her Form I-687. On appeal, the applicant states that she did not receive the fingerprinting notice in time to respond by the deadline. The matter is now before the AAO on appeal. The appeal will be dismissed.

An applicant for temporary resident status has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, 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. *See* 8 C.F.R. § 245a.2(d)(5).

The applicant failed to establish her eligibility for temporary resident status because she failed to cooperate with USCIS by appearing for fingerprinting.

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

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[1] The AAO advised the field office to certify its decision on the Form I-687, if adverse to the applicant.

[2] She filed the Form I-690 on October 25, 2011. It was approved on November 2, 2011.