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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



U.S. Citizenship  
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[REDACTED]

FILE: [REDACTED]

Office: LOS ANGELES

Date: SEP 15 2010

IN RE: Applicant: [REDACTED]

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:

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.

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** This matter is an application for adjustment from temporary to permanent resident status denied by the Director, Los Angeles, California, which is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application for adjustment from temporary to permanent residence because the applicant failed to appear for the required adjustment interview on two scheduled dates and because she failed to satisfy the English language and knowledge of United States history and government requirements as required under 8 C.F.R. § 245a.3(b)(4)(i)(A).

On appeal, the applicant acknowledges that she failed to inform United States Citizenship and Immigration Services or USCIS (formerly the Immigration and Naturalization Service or the Service) of any change in her address in writing, but indicates that she appeared at the USCIS office in Los Angeles, California and informed a USCIS of the change in her address in August 2009.

Each applicant regardless of age, must appear at the appropriate Service office and must be fingerprinted for the purpose of issuance of Form I-551. Each applicant shall be interviewed by an immigration officer, except that an adjudicative interview may 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. 8 C.F.R. § 245a.3(e).

In the director's decision, the applicant was informed that the application was denied because she failed to appear for two separate interviews and, correspondingly, failed to establish that the English language and civics requirements had been met. The record reflects that the applicant was afforded interview appointments on October 27, 2009 and November 9, 2009. The record reflects that the interview notices were properly sent to the applicant's most current address of record, but both notices were returned by the United States Postal Service as undeliverable.

The applicant acknowledges that she failed to inform USCIS of any change in her address in writing, but indicates that she appeared at the USCIS office in Los Angeles, California and informed an officer of the change in her address in August 2009 on appeal. However, the applicant listed her most current address of record as [REDACTED] on the Form I-698, Application to Adjust Status from Temporary to Permanent Status, that she filed on April 16, 2007. The two interview notices discussed above were mailed to the applicant at this address. A review of both the electronic and administrative records failed to reveal any evidence that the applicant informed USCIS of any change in her address of record prior to the receipt of her appeal on December 7, 2009.

More than 43 months have lapsed since the date of approval of temporary residence. The applicant timely filed her Form I-698 adjustment application, but failed to appear for the required interview on two separate occasions. The applicant has not established good cause for her failure to appear for the interviews.

The applicant has not complied with all the requirements for adjustment of status under 8 C.F.R. § 245a.3. Since these requirements may not be waived, the applicant is ineligible for adjustment from temporary to permanent resident status.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility for adjustment from temporary to permanent resident status.