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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

PUBLIC COPY

FILE:

[REDACTED]
SRC 05 230 50128

Office: TEXAS SERVICE CENTER

Date:

3 1 2006

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 "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Acting Director, Texas Service Center, denied the application for adjustment to permanent resident status in the legalization program because it was untimely filed. The matter is now before the Administrative Appeals Office (AAO). The appeal will be rejected.

Pursuant to section 245A(f) of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a(f), no denial of adjustment of status under this section based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State, or reviewed in any administrative proceeding of the United States Government.

The AAO is therefore without authority to review the denial of the application. The appeal must be rejected, in spite of the fact that the director stated an appeal could be filed.

We note that on October 4, 2005, the director issued the applicant a notice terminating his status as a temporary resident because the applicant failed to file the Form I-698, Application for Adjustment of Status from Temporary to Permanent Resident, within the 43-month application period. The director incorrectly informed the applicant that his appeal of the denial of the Form I-698 application, the subject of the present appeal, would serve as his appeal of the notice terminating his status as a temporary resident and that he need not submit another appeal. The AAO has no jurisdiction over an appeal filed before the appropriate servicing office issues a final order. Therefore, the director failed to properly notify the applicant of his appellate rights regarding the Notice of Termination. 8 C.F.R. § 103.3a(1).

ORDER: The appeal is rejected.