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**U.S. Citizenship
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LI

FILE:



Office: Dallas

Date: **OCT 21 2005**

IN RE:

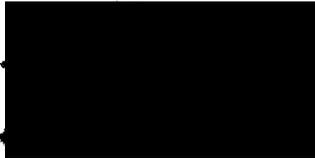
Applicant:



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. 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 "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The District Director, Dallas 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. 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 Administrative Appeals Office is 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. In light of that error, should the director terminate the applicant's temporary resident status, the director may apply this appeal to that action.

It is noted that, in the denial decision, the director also pointed out that an applicant must meet the requirements of section 312 of the Act relating to understanding of English and knowledge of the history and government of the United States. The director set forth the requirements for testing the applicant's abilities, but never stated that the applicant failed the test. Although the applicant did fail to demonstrate the necessary competency, the matter is moot, as the application was not timely filed and cannot be considered.

ORDER: The appeal is rejected.