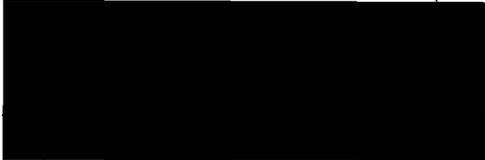


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FILE: [REDACTED]  
WAC 95 014 52623

Office: CALIFORNIA SERVICE CENTER

Date: **NOV 27 2006**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident 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. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for adjustment from temporary to permanent resident status was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

On October 11, 1995, the director denied the application 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 record reflects that at the time the appeal was filed (March 29, 2005), a Notice of Decision had not been issued by the director. Assuming, arguendo, if a Notice of Decision had been rendered the AAO would be without authority to review the denial of the application, and the appeal would be rejected. Pursuant to section 245A(f)(2) 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.

**ORDER:** The appeal is rejected.