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FILE: [REDACTED]  
SRC 07-183-51698

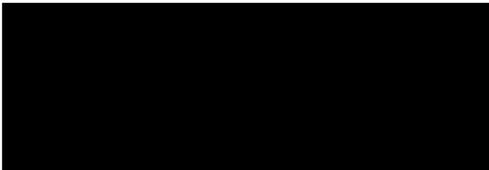
Office: TEXAS SERVICE CENTER

Date: DEC 12 2007

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:



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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The director denied the application because the applicant failed to meet the requirements of section 312 of the Immigration and Nationality Act (Act), 8 U.S.C. § 1423, relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States. Section 245A(b)(1)(D) of the Act, 8 U.S.C. § 1255a(b)(1)(D). The applicant appeared for two interviews and was provided two opportunities to pass the relevant exam, but failed to do so or submit relevant evidence as described in the regulations at 8 C.F.R. § 245a.3(b)(4).

On appeal, the applicant, through counsel, asked for another opportunity for the applicant to comply with the English and civics requirement to avoid termination of his temporary resident status. However, counsel does not note any error in the director's decision and, in fact, recognizes that the applicant was given two opportunities but failed to pass the English and history and government examination. She did not allege any legal or factual error in the director's decision and did not submit additional documents.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not addressed the basis for denial. The appeal must therefore be summarily dismissed.

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