

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



4

FILE:



SRC 96 056 51692

Office: TEXAS SERVICE CENTER

Date: MAR 14 2007

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 be "R. P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The director denied the application because the applicant failed to file it within the statutorily prescribed 43-month time period.

On appeal, counsel contested the basis for the denial and stated that he would submit additional evidence and/or information in support of the appeal. To date, however, more than 18 months since the appeal was filed, there is no evidence that counsel supplemented the record with documentation addressing the director's ground for denial.

The burden to file the adjustment application in a timely manner remains with the applicant. *See* 8 C.F.R. § 245a.3(d).

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

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 in support of the claim. Nor has the applicant addressed the grounds stated for the denial. The appeal must therefore be summarily dismissed.

The AAO further notes that pursuant to section 245A(f)(2) of the Act, a denial of an adjustment of status that was based on a late filing of an adjustment application may not be reviewed in any administrative proceeding and is not subject to judicial review by any state or federal court.

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