

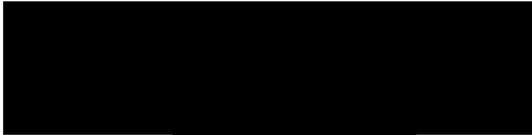
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U.S. Citizenship
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Services

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FILE: [REDACTED]
LIN 94 218 51005

Office: NEBRASKA SERVICE CENTER

Date: MAR 27 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: 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was never properly filed with the Nebraska Service Center. The applicant's appeal is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant initially submitted the Form I-698, Application to Adjust Status from Temporary to Permanent Resident, to the Nebraska Service Center on November 1, 1991. The application was submitted with the wrong fee of \$85.00. On December 2, 1991, the Form I-698 was rejected and returned to the applicant with instructions to re-submit the application with the correct fee of \$80.00.

The applicant re-submitted the application on August 9, 1994, two and one-half years later, with the correct fee of \$120. However, the applicant failed to include Page 2 of the Form I-698, including the required signature, with the application package. On August 16, 1994, the application was once again rejected and returned to the applicant with instructions to re-submit the application package with the enclosed blank Page 2 completed and signed. The application package, including the rejection notice, a blank Page 2 of the Form I-698, and the application fee of \$120, was mailed to the applicant at the address he listed on the Form I-698, but the United States Postal Service returned the package to the Nebraska Service Center as undeliverable mail. On September 16, 1994, the application was once again mailed to the applicant at the address he listed on Page 1 of the Form I-698, and the package was once again returned to the Nebraska Service Center as undeliverable mail. Since Citizenship and Immigration Services (CIS) did not have a more current address for the applicant, the \$120 application fee was deposited and the rejected Form I-698, which was never properly filed with correct fee, was filed in the record of proceeding.

The applicant filed an appeal on April 25, 2005. The applicant indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU), that he was appealing the denial of his permanent resident status.

Since the applicant never properly filed his Form I-698 with the Nebraska Service Center, no decision was ever issued on the application and there is no basis for the filing of an appeal. Therefore, the appeal was improperly filed and must be rejected.

ORDER: The appeal is rejected.