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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[Redacted]

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FILE:

[Redacted]

Office: LOS ANGELES

Date:

XPN 92 107 00145

APR 17 2008

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:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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 to permanent resident status was denied by the Field Office Director, Los Angeles, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application based on the determination that the applicant had been convicted of at least four misdemeanor offenses and was thereby statutorily ineligible for adjustment to permanent resident status. The director also noted the applicant's failure to comply with Form I-72 in which the applicant was instructed to provide final court dispositions for additional offenses, one of which was a felony.

The regulation at 8 C.F.R. § 245a.3(i) states, in pertinent part:

A party affected under this part by an adverse decision is entitled to file an appeal on Form I-694.

The regulation at 8 C.F.R. § 245a.3(j) states that the applicant must comply with the process for filing an appeal as specified in 8 C.F.R. § 103.3(a)(1). Accordingly, 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. The instant record contains a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative. However, the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, does not identify the person filing the appeal and is not signed by the applicant, his attorney, or any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed, and must be rejected.

ORDER: The appeal is rejected.