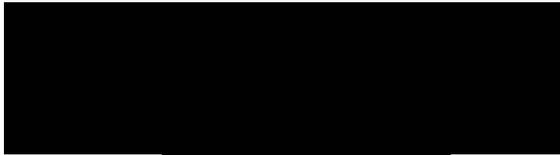




U.S. Citizenship
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FILE: [REDACTED]
WAC 01 161 51248

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 27 2008**

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: SELF-REPRESENTED

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, 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.

6- 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 on appeal. The appeal will be rejected.

The director denied the application based on the determination that the applicant failed to file the Form I-698, Application for Adjustment from Temporary to Permanent Resident Status under Section 245A of the Immigration and Nationality Act (Act) within the 43-month application period in accordance with section 245A(b)(1)(A) of the Act, 8 U.S.C. § 1255a(b)(1)(A).

Pursuant to section 245A(f) of the Act, 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. 8 U.S.C. § 1255a(f).

As the director properly noted, a denial on this basis affords the applicant no appeal rights. Therefore, the applicant's appeal is hereby rejected on this basis.

ORDER: The appeal is rejected.