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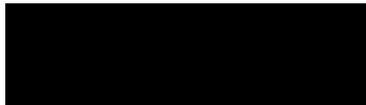


Office: Texas Service Center

Date: **SEP 27 2005**

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 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, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center denied the application for adjustment to permanent resident status in the legalization program because it was untimely filed. The matter is now before the Administrative Appeals Office. The appeal will be rejected.

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

The Administrative Appeals Office is without authority to review the denial of the application. The appeal must be rejected, in spite of the fact that the director stated an appeal could be filed. In light of that error, should the director terminate the applicant's temporary resident status, the director may apply this appeal to that action.

It is noted that this appeal to the denial of adjustment was filed late. If an appeal were permissible in this proceeding, this appeal would be rejected due to the late filing.

ORDER: The appeal is rejected.