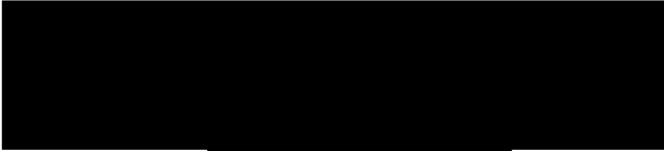




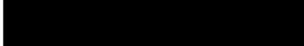
U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



FILE:



Office: Texas Service Center

Date:

12
MAY 03 2007

SRC 05 230 50111

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 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 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 had not established that he resided in the United States for the requisite period, and because he had not demonstrated a basic understanding of civics and the English language.

An adverse decision on an application for adjustment to permanent resident status may be appealed to the Administrative Appeals Office. Any appeal shall be submitted to the Service Center with the required fee within thirty (30) days after service of the notice of denial. An appeal received after the thirty-day period has tolled will not be accepted. The thirty-day period for submitting an appeal begins three days after the notice of denial is mailed. 8 C.F.R. § 245a.3(j).

The director issued the notice of decision on December 2, 2005, and mailed it to the applicant's address of record. The appeal was received on January 5, 2006, thirty-four days after the issuance of the decision. Therefore, the appeal was untimely filed, and must be rejected.

In addition, the regulation at 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.

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.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. In this case the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, was signed by [REDACTED] who states he is an attorney. However, no Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted. Nor is it clear that the individual is authorized under 8 C.F.R. § 292.1 to engage in representation in immigration proceedings.

The appeal has not been signed and filed by the applicant, or by any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed, and must be rejected for this reason also. Because of the lack of evidence of proper representation, this decision will be sent to the applicant only.

ORDER: The appeal is rejected.