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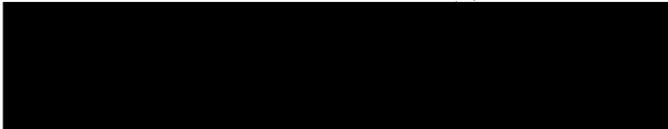
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



XPS 93 143 0009

Office: TEXAS SERVICE CENTER

Date: DEC 12 2007

IN RE:

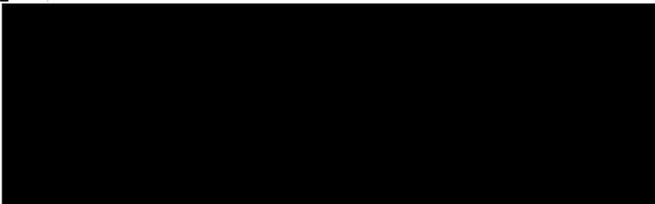
Applicant:



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:



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:** This matter is an application for adjustment from temporary to permanent resident status denied by the Director, Texas Service Center, which is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

An adverse decision on an application for temporary resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the Service Center 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 30-day period for submitting an appeal begins 3 days after the notice of denial is mailed. *See* 8 C.F.R. § 245a.3(j).

The director issued the notice of denial on February 25, 1999. The appeal was received on March 4, 2002. Therefore, the appeal was untimely filed, and must be rejected.

Additionally, even if the appeal had been accepted regardless of the untimely filing, the record shows that the applicant was convicted of three misdemeanor offenses, which render him statutorily ineligible to adjust to permanent resident status pursuant to 8 C.F.R. § 245a.3(c)(1).<sup>1</sup>

**ORDER:** The appeal is rejected.

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<sup>1</sup> The record shows that the applicant pled guilty and was convicted of driving while intoxicated in the State of Texas on April 7, 1985. The record also contains the final court dispositions from the Denton County, Texas county court showing that on November 23, 1994, the applicant was convicted of driving while intoxicated, a misdemeanor, and in a separate proceeding on March 23, 1994, the applicant was convicted of assault, also a misdemeanor. (Case [REDACTED] respectively).