

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L1

FILE:

[REDACTED]
SRC 96 214 50147

Office: TEXAS SERVICE CENTER

Date:

MAR 29 2007

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:

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 dismissed.

The record reveals that the applicant applied for class membership pursuant to the terms of the settlement agreement reached in *League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (LULAC), on November 2, 1991. The Director of the Vermont Service Center denied the application on November 5, 1991, because the applicant failed to establish that he was prima facie eligible for class membership.

On July 15, 1996, the applicant filed a Form I-698, Application to Adjust Status from Temporary to Permanent Resident. The Director of the Texas Service Center denied the application finding that the applicant was not eligible for adjust status from temporary to permanent resident since he had never been granted temporary resident status.

On appeal, the applicant states that he is a hard worker who wishes to be a lawful permanent resident of the United States. Although a Notice of Entry of Appearance as Attorney or Representative (Form G-28) has been submitted, the individual is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. See <http://usdoj.eoir/statspub/raroster.htm>. Therefore, this decision will be furnished to the applicant only.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence in support of the claim. Nor has the applicant addressed the grounds stated for the denial. The appeal must therefore be summarily dismissed.

Beyond the decision of the director, it is noted that the applicant, in a separate proceeding, filed an application for asylum in the United States on October 15, 1992. The asylum application was denied on March 5, 1993, and the applicant was referred for a removal proceeding before an Immigration Judge. On June 11, 1993, an Immigration Judge ordered the applicant removed to Brazil in absentia when he failed to appear for his removal hearing. The applicant was subsequently removed to Brazil on May 22, 1997.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.