



U.S. Citizenship
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OCT 09 2007



FILE: [REDACTED]
XPN 93 064 0043

Office: NEBRASKA SERVICE CENTER

Date:

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:



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, Northern Regional Processing Facility, 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 (AAO). 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 AAO 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. However, the director is not constrained from reopening the matter *sua sponte*. The director is reminded that any denial must be supported by evidence in the record.

It is noted that, although the applicant's application for adjustment of status from temporary to permanent resident was denied on February 8, 1993, the director never terminated the applicant's temporary resident status. It is further noted that on March 10, 1993, the director requested that the applicant submit a Form I-690, Application for Waiver of Ground of Excludability, to overcome an unspecified ground of inadmissibility. The applicant, in response to the request, filed a Form I-690 on April 9, 1993 under receipt number XPN 93 119 0006+. To date, the Form I-690 has not been adjudicated.

Finally, it is noted that the applicant filed a second Form I-698 with the Nebraska Service Center on January 17, 2003, under receipt number LIN 03 089 51517. To date, this Form I-698 has not been adjudicated.

ORDER: The appeal is rejected.