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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

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[REDACTED]

FILE:

[REDACTED]

Office: HOUSTON

Date:

FEB 27 2010

MSC 05 181 10370

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application to Adjust Status from Temporary to Permanent Resident pursuant to
Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application to adjust to permanent resident status pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a was denied by the Director, Houston, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In a Request for Evidence (RFE), dated December 15, 2008, the director noted that, upon a review of the record, the applicant did not qualify for adjustment from temporary to permanent resident status. The director noted that the applicant had not provided certified copies of the following court records: disposition(s); indictment(s); judgment and sentence for any and all arrests within the United States and abroad at any time. The applicant was afforded 60 days to submit the required documentation.

In response to the RFE, the applicant submitted the judgment of conviction for driving while intoxicated (DWI) dated November 28, 1979. However, the record shows that the applicant was also arrested for attempted bribery of a police officer. This charge arose on the same date as the arrest for DWI. The applicant submitted no evidence regarding this charge. Accordingly, the director noted that he was ineligible for the benefit sought and denied the application on April 8, 2009.

Counsel requested a copy of the record of proceedings under the Freedom of Information Act (FOIA). The record reflects that the FOIA request was closed on October 23, 2009. (NRC2009027431). On the Form I-694, the counsel indicated that a written brief would be submitted within 30 days of receipt of the record of proceedings. To date, this office has no record that any further evidence or brief was received. Accordingly, a decision will be rendered based on the evidence of record.

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. It is evident from the record that the director considered all of the evidence submitted with the applicant's I-698 application. On appeal, the applicant provided no new evidence or explanation to overcome the reasons for denial of his Form I-698 application.

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 and has not addressed the grounds stated in the director's denial.* The appeal must therefore be summarily dismissed.

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