

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W. MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

[REDACTED]

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Date: NOV 23 2012 Office: CALIFORNIA SERVICE CENTER [REDACTED]

IN RE: [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:

[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.

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

for Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The application for adjustment from temporary to permanent resident status pursuant to section 245A of the Immigration and Nationality Act (Act) was denied by the director of the California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

On July 27, 2012, the director denied the Form I-698, application for adjustment from temporary to permanent resident status, finding that the applicant had failed to timely file his Form I-698 application.

On appeal, the applicant asserts that he has repeatedly made inquiries as to the status of his applications, but was told to await notice by mail.

Upon review, the AAO has determined that the Service failed to provide the applicant with notice of approval of his Form I-687 application for adjustment from temporary to permanent resident status. In the absence of an approval notice, the applicant was not aware of the requirement to file a Form I-698 application for adjustment from temporary to permanent resident status. Second, the record is not clear as to whether the Form I-687 application was in fact approved. The director denied the Form I-687 application on August 9, 1991. The AAO sustained an appeal of the director's decision to deny the Form I-687 application. However, the record is void of evidence that the Service granted the Form I-687. The Form I-687 is not stamped approved or denied.

The director shall grant the Form I-687 application in accordance with the AAO's decision of 1994. The director shall date-receipt the applicant's Form I-698 on file within 43 months of the approval date of the Form I-687, without requiring an additional filing fee for the Form I-698. If the applicant did not submit the biometrics filing fee, the director may request the applicant to submit the same.

Based on the above, the appeal is sustained. If the director issues a decision adverse to the applicant, he shall certify the decision to the AAO and not require the applicant to submit another appeal with filing fee.

**ORDER:** The appeal is sustained.