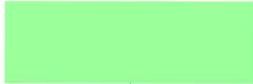




(b)(6)

Date: **JAN 23 2013** Office: CALIFORNIA SERVICE CENTER FILE: 

IN RE: Applicant: 

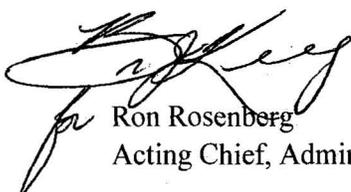
APPLICATION: Application to Adjust Status from Temporary to Permanent Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

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 "Ron Rosenberg".

Ron Rosenberg
Acting 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 of the California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.¹

In a Request for Evidence (RFE), the director asked the applicant to submit certified copies of court records for all arrests, showing charges and dispositions, including perjury, welfare fraud and food stamp fraud. The director also requested proof of financial responsibility, and a letter from the Department of Social Services explaining the amount and nature of the applicant's receipt of public assistance. The applicant failed to respond to the RFE. The director denied the application, finding the applicant failed to establish her eligibility for adjustment from temporary to permanent resident status.

On appeal, the applicant indicates that the basis of the director's decision is a violation of her constitutional right to due process. Although the applicant asserts that her rights to procedural due process were violated, she has not shown that any violation of the regulations resulted in "substantial prejudice" to her. *See De Zavala v. Ashcroft*, 385 F.3d 879, 883 (5th Cir. 2004) (holding that an alien "must make an initial showing of substantial prejudice" to prevail on a due process challenge). The respondent has fallen far short of meeting this standard. A review of the record and the adverse decision indicates that the director properly applied the statute and regulations to the applicant's case. The applicant's primary complaint is that the director denied the application. As previously discussed, the applicant has not met its burden of proof and the denial was the proper result under the regulation. Accordingly, the applicant's claim is without merit.

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. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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

¹ The applicant was initially represented by attorney [REDACTED] has been disbarred so a copy of this decision shall not be sent to him.