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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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MAY 03 2007

FILE:

[REDACTED]
SRC 03 027 54252

Office: TEXAS 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:

[REDACTED]
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, 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 director denied the application because the applicant failed to file it within the statutorily prescribed 43-month time period.

On appeal, counsel generally contested the basis for the denial and stated that he would submit additional evidence and/or information in support of the appeal. To date, however, more than 19 months since the appeal was filed, there is no evidence that counsel supplemented the record with documentation addressing the director's ground for denial. Citing the regulations at 8 C.F.R. § 245a.2(u)(2), counsel asserted that the director erred by failing to serve the applicant with a notice of intent to terminate her temporary resident status.

In review, the director properly notified the applicant of her intent to terminate on October 18, 2005.

The burden to file the adjustment application in a timely manner remains with the applicant. *See* 8 C.F.R. § 245a.3(d).

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.

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