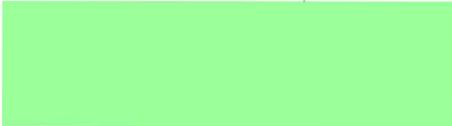


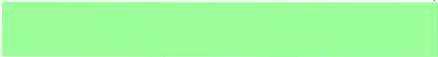


(b)(6)



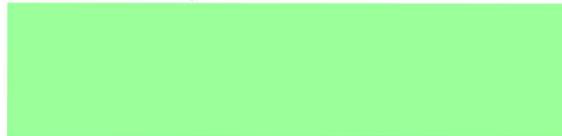
Date: **NOV 25 2013** Office: SAN DIEGO

File: 

IN RE: Applicant: 

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

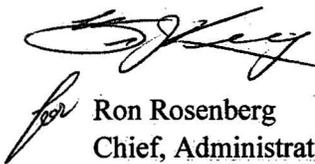
ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,


for Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The San Diego Field Office Director (director) denied the application for adjustment from temporary to permanent resident status. The applicant filed a timely appeal of the director's decision. The Administrative Appeals Office (AAO) remanded the matter. The AAO will reopen the matter, *sua sponte*, and withdraw its decision.

The director denied the Form I-698 application, finding the applicant had not filed for adjustment from temporary to permanent resident status within 43 months from the date of approval of his temporary residence application, as required by law. See Section 245A(b)(1)(A) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(b)(1)(A).

On appeal, the AAO remanded the matter to permit the director to terminate the applicant's temporary resident status prior to adjudicating the instant application. This AAO decision shall be withdrawn.

While an alien who does not apply for adjustment from temporary to permanent resident status before the end of 43 months from the date of approval of temporary residence is ineligible for adjustment from temporary to permanent resident status, 8 C.F.R. § 245a.3(c)(5); the AAO lacks jurisdiction to decide the instant appeal. See section 245A(f)(2) of the Act, 8 U.S.C. § 1225a(f)(2).

ORDER: The application is denied. This decision constitutes a final notice of ineligibility for adjustment from temporary to permanent resident status.