



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **AUG 3 1 2015**

FILE: [REDACTED]

APPLICATION RECEIPT: [REDACTED]

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

NO REPRESENTATIVE OF RECORD

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. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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.

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

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

The director denied the Application to Adjust Status From Temporary to Permanent Resident (Form I-698), finding the applicant inadmissible under section 245A(b)(1)(C) of the Act because of the applicant's convictions relating to controlled substances.

On appeal, the applicant does not dispute or address the reasons for the denial. Instead, he describes his life circumstances, his family situation, and his rehabilitation. He asks to be allowed to remain in the United States to have the opportunity to provide for his family.

The record reflects that on [REDACTED] 1999, and on August 30, 2005, the applicant was convicted under Section 11377(a) of the California Health and Safety Code, Possess Controlled Substance. The director, on May 1, 2014, issued the applicant a notice of intent to deny, to which the applicant did not respond. Because no waiver is available for the applicant's inadmissibility, the director denied the Form I-698.

The circumstances the applicant describes are unfortunate. As noted by the director, however, no waiver is available, even for humanitarian purposes. In addition, the applicant submits no new evidence on appeal to address the finding of inadmissibility.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the record reveals that the director set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any additional evidence or new arguments to overcome the director's decision. The appeal must therefore be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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