



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF P-D-L-

DATE: JAN. 27, 2016

APPEAL OF LOS ANGELES FIELD OFFICE DECISION

APPLICATION: FORM I-698, APPLICATION TO ADJUST STATUS FROM TEMPORARY TO PERMANENT RESIDENT (UNDER SECTION 245A OF THE INA)

The Applicant, a native and citizen of Mexico, seeks to adjust status from temporary resident to lawful permanent resident. *See* Immigration and Nationality Act (the Act) § 245A, 8 U.S.C. § 1255(a). The Field Office Director, Los Angeles, California, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

On January 23, 2015, the Director denied the Form I-698, Application to Adjust Status from Temporary to Permanent Resident (under Section 245a of the INA), finding that the Applicant was ineligible because she did not file for adjustment from temporary to permanent resident status within 43 months from the date of approval of her temporary residence application, as required by section 245A(b)(1)(A) of the Act, 8 U.S.C. § 1255a(b)(1)(A).

On appeal, the Applicant states that she did not intentionally miss her appointments, that she experienced a knee injury that required surgery and as a result she had to change residences, that she created her own business, and that her family depends on her. She also submits evidence related to her disability and her business.

The record includes, but is not limited to, letters from the Applicant, medical documentation, documentation establishing identity, business and employment records, and affidavits from individuals who know the Applicant. The entire record was reviewed and considered in rendering this decision.

The Applicant filed Form I-687, Application for Status as a Temporary Resident under Section 245A of the Act, and that application was approved on October 22, 1988. The Applicant timely filed a Form I-698 on April 27, 1992. The Form I-698 was denied on December 16, 2008, because the Applicant did not appear for scheduled interviews on February 25, 2004, and on December 16, 2008. In response to the Applicant's May 2014 letter requesting that her case be reopened, the Director reconsidered the 2008 denial decision and denied the request to reopen on December 2, 2014. The Applicant filed the current Form I-698 on July 29, 2014, after the 43-month eligibility period for filing for adjustment to permanent resident status, which expired on May 22, 1992.

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On appeal, the Applicant requests another chance to be interviewed. She references various problems that she experienced, including loss of her apartment and a knee-related workplace injury requiring surgery in 1998, which she states affected her ability to keep her appointments. She submits documentation pertaining to her knee injury.

While we sympathize with the difficulties the Applicant experienced, the record lacks evidence showing that the Applicant did, in fact, file the current I-698 application within the required period of time. The Form I-698, which was filed after the 43-month period for filing her adjustment application, is before us on appeal. The Applicant cites no legal authority that would permit extending the time to file for adjustment to permanent resident status beyond the 43-month period. We therefore affirm the Director's decision.

In application proceedings, it is the Applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of P-D-L-*, ID# 13789 (AAO Jan. 27, 2016)