

MATTER OF LIM

In SECTION 245 Proceedings

A-12975895

Decided by Regional Commissioner January 23, 1963

An alien who entered this country as a member of the United States Coast Guard is statutorily ineligible for adjustment of status under section 245, Immigration and Nationality Act, as amended, because he was not inspected, admitted, or paroled into the United States.

This case has been certified to me by the District Director at Portland, Oregon, for review of his decision denying the application under section 245 of the I. & N. Act, as amended.

The record relates to a 23-year-old male, native and citizen of the Philippines. He is presently married to a United States citizen and a petition according him nonquota status under section 101(a)(27)(A) of the Immigration and Nationality Act was approved June 26, 1962.

He last arrived in the United States on February 18, 1959, as a member of the United States Coast Guard on the USNS "General Barret". On the occasion of this arrival, he was not inspected by an Immigration officer. The record does not disclose any prior entries where the applicant was inspected and admitted or paroled into the United States. On June 22, 1959, he appeared at the Service office in San Francisco, California, and was registered and fingerprinted as an alien and was issued Form I-94 as evidence thereof. His enlistment in the United States Coast Guard expires on June 22, 1963.

One of the requisites for adjustment of status to that of a permanent resident is that the applicant be inspected and admitted or paroled into the United States. The applicant has not met this requirement. Accordingly, the application must be denied and the decision of the District Director is proper.

ORDER: It is ordered that the application be and the same is hereby denied.