

U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536

File: [REDACTED]

Office: California Service Center

Date: OCT 21 2003

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: SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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
for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the adjustment application because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment to permanent resident status. The director had terminated the applicant's temporary resident status pursuant to 8 C.F.R. § 245a.2(u)(1)(i), because the applicant failed to submit sufficient evidence of continuous residence in the United States from prior to January 1, 1982 through May 4, 1988.

On appeal, the applicant reaffirms his claim of continuous residence in this country since 1981. The applicant requests that his case be reopened and reconsidered. The applicant submits documentation in support of his appeal.

An alien whose temporary resident status has been terminated under 8 C.F.R. 245a.2(u) is ineligible for adjustment from temporary to permanent resident status. 8 C.F.R. 245a.3(c)(5).

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1255a(a)(2).

The record reveals that the applicant's temporary resident status was terminated on October 13, 1992, because he failed to submit sufficient contemporaneous evidence of continuous residence in the United States from prior to January 1, 1982 through May 4, 1988.

The applicant had thirty days in which to appeal the director's decision terminating his temporary resident status. The record reflects that the applicant filed an appeal to the termination of her temporary residence, and that the AAO subsequently dismissed this appeal on June 30, 2000. While the applicant has now submitted documentation in an effort to overcome the ground of termination, such documentation would have had to have been submitted with the appeal of his termination of temporary residence in order to receive consideration.

The applicant is not a temporary resident. Therefore, he is ineligible for adjustment from temporary to permanent resident status.

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