



U.S. Citizenship  
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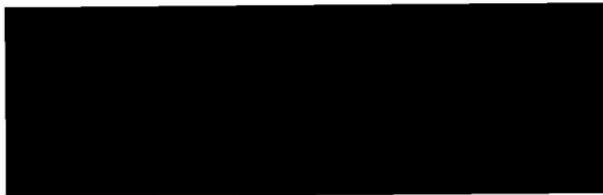
XLA 88 599 2003

Office: California Service Center

Date: MAY 23 2006

IN RE:

Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

2 Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's temporary resident status was terminated by the Director, Western Service Center. The matter is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's status because the applicant had failed to establish his identity, his admissibility on medical grounds, and that he had resided continuously in the United States from January 1, 1982 through the date the application was filed.

On appeal the applicant provides the required report of medical examination, and sufficient evidence of his identity. He fails, however, to provide any additional evidence of continuous residence.

The regulation at 8 C.F.R. § 245a.2(u)(I)(i) states the status of an alien lawfully admitted for temporary residence may be terminated at any time if the alien was ineligible for temporary residence.

An applicant for temporary resident status must establish that he or she entered the United States before January 1, 1982, and continuously resided in the United States in an unlawful status since such date and through the date the application is filed. *See* Section 245A(a)(2)(A) of the Act, 8 U.S.C. § 1255a(a)(2)(A).

An applicant for temporary resident status under section 245A of the Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.2(d)(5). To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. 8 C.F.R. § 245a.2(d)(6).

The applicant was interviewed by an officer of the Immigration and Naturalization Service after he filed his application. The officer's notes indicate he or she recommended that the application be denied, as the applicant had not provided evidence of residence in the United States for the years 1984-87. A note on the applicant's school records indicated he left school and returned to Mexico in 1983.

Although the applicant states on appeal that he has lived in the United States since 1976, the record is bereft of any evidence that he indeed did live in this country from June 1983 through 1987. As stated above, an applicant must provide evidence of eligibility apart from his own testimony.

It is concluded that the applicant has failed to establish that he resided in the United States for the required period.

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