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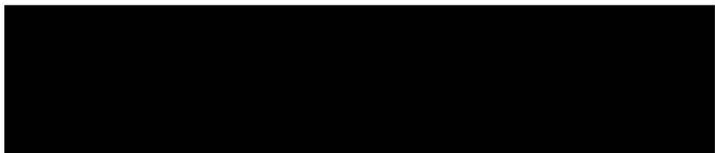
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date:

OCT 03 2006

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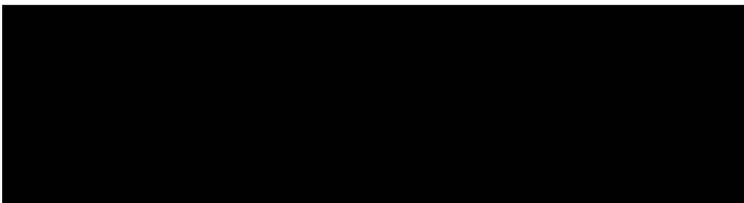
IN RE:

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the Director, Nebraska Service Center, is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary resident status because the applicant failed to file the Form I-698, Application for Adjustment of Status from Temporary to Permanent Resident, within the 43-month application period as required by section 245A(b)(2)(C) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(b)(2)(C).

On appeal, the applicant indicates Catholic Charities filed a Form I-698 adjustment application on her behalf and evidence to demonstrate such filing would be forthcoming. However, as of the date of this decision, the applicant has failed to submit any material to supplement her appeal.

The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Act, 8 U.S.C. § 1255a(a)(1), may be terminated at any time if the alien fails to file for adjustment of status from temporary to permanent resident on Form I-698 within 43 months of the date he was granted status as a temporary resident. 8 C.F.R. § 245a.2(u)(1)(iv).

The applicant was granted temporary resident status on May 24, 1989. The 43-month eligibility period for filing for adjustment expired on December 24, 1992. A review of the record reveals that as of the date of this decision, the applicant has not filed the Form I-698 adjustment application. The director therefore terminated the applicant's temporary resident status because the applicant had failed to file a Form I-698 adjustment application within the 43-month application period.

The applicant contends that Catholic Charities filed a Form I-698 adjustment application on her behalf. While the record shows that Catholic Charities, a Qualified Designated Entity (Q.D.E.), previously prepared and filed the Form I-687, Application for Status as a Temporary Resident, on the applicant's behalf, the record contains no evidence to demonstrate that either the applicant or Catholic Charities ever subsequently submitted the Form I-698 adjustment application with the Immigration and Naturalization Service or its successor Citizenship and Immigration Services. Therefore, the claim that a Form I-698 adjustment application was filed on the applicant's behalf cannot be considered as persuasive without independent evidence to corroborate such claim. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998)(citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

The Service and private voluntary organizations widely publicized the procedures of the amnesty program, including the necessity of applying for permanent residence. If the applicant required assistance in pursuing his application, such assistance was widely available with inquiries to the Service, from private nonprofit Qualified Designated Entities, and from private legal assistance resources. Furthermore, the original eligibility period of 31 months was extended to 43 months to better enable applicants to file timely applications. The burden to duly file the Form I-698 adjustment application in a timely manner remains with the applicant. 8 C.F.R. § 245a.3(d).

The statements on appeal have been considered. Nevertheless, there is no waiver available, even for humanitarian reasons, of the requirements stated above. As the applicant has not overcome the grounds for termination of status, the appeal must be dismissed.

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