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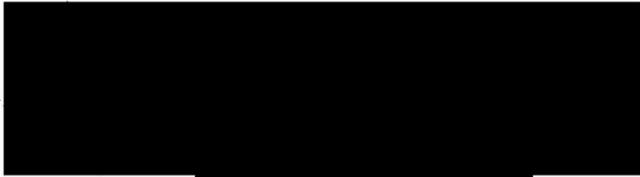
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date: OCT 05 2008

XHU 88 143 2230

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, Texas 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 to Adjust Status from Temporary to Permanent Resident, within the 43-month application period.

On appeal, counsel indicates that a brief will be forthcoming within thirty days of compliance with a Freedom of Information Act request for a copy of the record of proceedings.

The record shows that the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) complied with counsel's request and mailed a copy of the record to counsel on March 10, 2000. However, as of the date of this decision, neither the applicant nor counsel has submitted a statement, brief, or evidence addressing the basis of the director's denial.

The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Immigration and Nationality Act (Act) 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 she was granted status as a temporary resident. *See* 8 C.F.R. § 245a.2(u)(1)(iv).

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. Neither counsel nor the applicant has either addressed the reasons stated for denial or provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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