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U.S. Citizenship
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FILE: [REDACTED]
XPW 91 050 2276

Office: LOS ANGELES

Date: DEC 12 2007

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

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: This matter is an application for adjustment from temporary to permanent resident status denied by the District Director, Los Angeles, California. The matter is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district 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 because the applicant failed to meet his burden of proof in establishing continuous unlawful residence from prior to January 1, 1982 through the date the applicant filed the Form I-687.

On appeal, the applicant provides a sworn statement explaining why he did not submit an appeal to the termination of his temporary resident status.

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 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. 8 C.F.R. § 245a.2(d)(5).

The record reveals that the applicant's temporary resident status was terminated on April 20, 2007, because the applicant failed to submit sufficient credible evidence to establish his unlawful residence in the United States during the requisite statutory time period.

The applicant had thirty (30) days in which to appeal the director's decision terminating his temporary resident status. While the applicant has provided an explanation as to why he did not appeal the adverse decision, the fact remains that the applicant failed to appeal the adverse decision that terminated his temporary resident status. Even if the applicant were able to overcome the grounds for termination, such documentation would have had to have been submitted with an appeal of the termination in order to receive consideration.

In summary, 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.