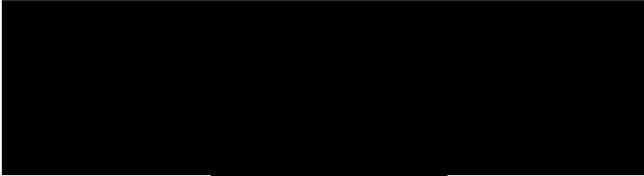




U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

PUBLIC COPY



LI

FEB 12 2007

FILE:

XID 87 004 0006

Office: CALIFORNIA SERVICE CENTER

Date:

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The termination of the applicant's temporary resident status by the Director, California Service Center, is 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 application for adjustment of status from temporary to permanent residence within the 43-month application period. The director informed the applicant that his appeal was still in effect and afforded him thirty days, until December 4, 2004, to submit evidence to overcome the basis for the termination of his temporary resident status. The notice of termination was mailed to the applicant's attorney and to the applicant at his address of record, but both copies of the notice were returned to the California Service Center as undeliverable mail. To date, neither counsel nor the applicant has made any inquiry regarding the applicant's temporary resident status or responded to the notice of termination. Therefore, the record will be considered complete.<sup>1</sup>

The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the 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 forty-three months of the date he/she was granted status as a temporary resident under § 245a.1 of this part. 8 C.F.R. § 245a.2(u)(1)(iv).

The applicant was granted temporary resident status on January 24, 1990. The 43-month eligibility period for filing for adjustment expired on August 23, 1993. The applicant never filed a Form I-698, Application for Adjustment of Status from Temporary to Permanent Resident. The director therefore terminated the applicant's temporary resident status.

As stated above, neither counsel nor the applicant has responded to the notice of termination. As the applicant has not overcome the basis for termination of his temporary resident status, the appeal must be dismissed.

The applicant is ineligible for temporary residence for the above stated reasons, with each considered as an independent and alternative basis for denial.

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

---

<sup>1</sup> It is noted that the Form G-28, Notice of Entry of Appearance As Attorney or Representative, was signed by an individual who is no longer authorized to practice law in the State of California and is not known to have authorization to practice in any other state. Therefore, the applicant will be considered to be self-represented and the decision will be sent only to the applicant.