



U.S. Citizenship
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Services

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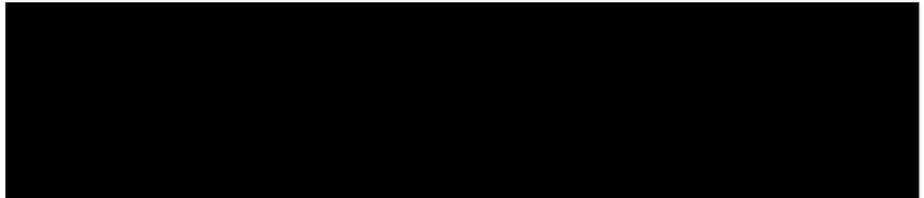
Office: CALIFORNIA SERVICE CENTER

FEB 12 2007

Date:

IN RE:

Applicant:



APPLICATION:

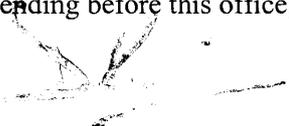
Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



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: The applicant's temporary resident status was terminated the Director, Western Regional Processing Facility, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant was granted temporary resident status on June 6, 1988. The record subsequently revealed that the applicant was convicted on November 27, 1989, of possession of a narcotic controlled substance for sale in violation of section 11351 of the California Health and Safety Code, a felony, in the Superior Court of California, County of Los Angeles, North Valley Branch. On January 16, 1990, the applicant was sentenced to serve two years in the California Institute for Men in Chino, California, less credit for six days served. (Date of Arrest: June 7, 1989; Case Number [REDACTED])

On April 4, 1990, the service center director notified the applicant of his intention to terminate the applicant's temporary resident status because of his felony drug conviction and provided the applicant with an opportunity to submit evidence to overcome the basis for the proposed termination of his status. The notice was mailed to the applicant's most current address, but was returned to the Western Regional Processing Facility as undeliverable mail.

On May 18, 1990, the service center director terminated the applicant's temporary resident status because the applicant had been convicted of a felony drug offense and was therefore statutorily ineligible for temporary resident status. The director further stated that the applicant is also inadmissible to the United States under 212(a)(2)(A)(i)(II) of the Act because of his drug conviction and informed the applicant that there is no waiver of this ground of inadmissibility. The Notice of Termination was mailed to the applicant's most current address, but it was also returned to the Western Regional Processing Facility as undeliverable mail.

The applicant filed an appeal from the notice of termination on March 12, 1993, almost three years after the issuance of the Notice of Termination.

The service center director wrote to the applicant on October 26, 2004, and directed him to file a duplicate appeal form, as the original was lost. The record contains a signed postal form acknowledging receipt of the notice on October 27, 2004; however, over two years later, the applicant has not contacted the director.

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.

A review of the decision reveals the director accurately set forth a legitimate basis for denial. The applicant has not challenged the basis for denial. The appeal must therefore be summarily dismissed.

It is noted that the District Director, Los Angeles, California, issued a Form I-221, Order to Show Cause and Notice of Hearing, on April 30, 1990, ordering the applicant to appear for a removal hearing before an Immigration Judge at a date and time to be determined. On February 14, 1991, the applicant was released from custody after posting a \$20,000 bond. There is no indication in the record that a removal hearing was ever held.

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