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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

MAY 30 2007

XSF 88 150 4006

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 by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily 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.

On appeal, the applicant indicated that a brief and/or additional evidence would be submitted within 30 days. More than 90 days have lapsed and nothing more has been submitted for the record.

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 of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

The applicant was ordered deported on August 4, 1989.

On February 20, 1987, he was convicted of driving under the influence of alcohol/injury in violation of section 23153(a) of the California Vehicle code. (Superior Court of California, Alameda County Docket No. [REDACTED]). The court sentenced the applicant to 16 months imprisonment and ordered him to pay \$100 restitution fine.

It is noted that the applicant claimed to be a native and citizen of El Salvador on his Form I-589 asylum application whereas he claimed to be a native and citizen of Mexico on his Form I-687, Application for Status as a Temporary Resident.

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