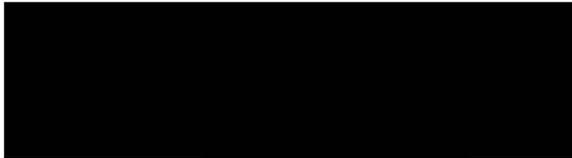


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Services

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FILE:

SRC 02 098 51857

Office: TEXAS SERVICE CENTER

Date:

APR 02 2008

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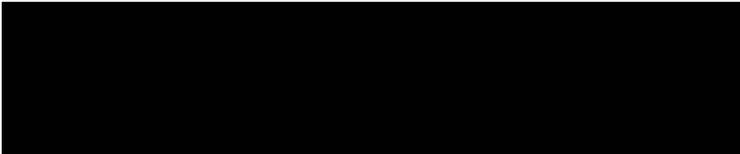
Applicant:



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 termination of the applicant's temporary resident status by the Director, Texas Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record shows that after the applicant failed to respond to the previously issued notice of intent to terminate, the director terminated the applicant's temporary resident status on the basis of abandonment, pursuant to 8 C.F.R. § 103.2(b)(13).

The director correctly informed the applicant that no appeal would lie from the decision. As such, counsel for the applicant attempted to file a motion with the service center seeking to reopen and reconsider the adverse decision. However, the director determined that the applicant failed to meet the requirements of a motion and forwarded the matter to the AAO. However, as previously stated, the regulations provide that no appeal lies from an adverse decision that was based on abandonment. *See* 8 C.F.R. § 103.2(b)(15). As there is no appeal from the director's adverse decision, the applicant's appeal must be rejected.

**ORDER:** The appeal is rejected.