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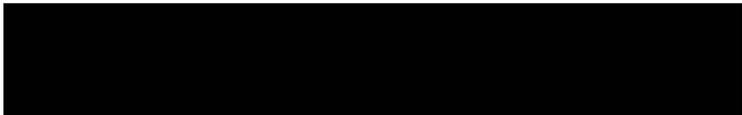


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Office: LOS ANGELES

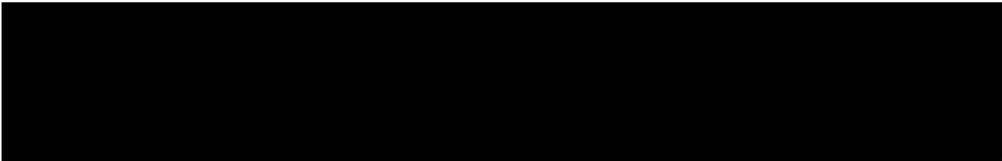
Date: MAR 10 2008

IN RE: Applicant:



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:



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 Field Office 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 based on the termination of the applicant's temporary resident status, 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 departed and remained outside of the United States for longer than the allowed time limitation, thereby interrupting his continuous unlawful residence during the requisite time period.

On appeal, the applicant provides a sworn statement and documentation addressing the grounds for the director's prior decision terminating 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 September 10, 1992 because of the applicant's extended absence from the United States. Although the applicant appealed the director's decision, the AAO dismissed the appeal on July 15, 1994. A review of the record shows that the AAO provided the applicant with a copy of the notice of intent to terminate as well as additional time in which to respond to the notice with additional evidence and/or information. However, the applicant failed to further address the issue of his absence and the director's determination that the absence signified an interruption in the applicant's unlawful presence in the United States during the relevant time.

While the applicant has now submitted documentation in an effort to overcome the ground for termination, such documentation would have had to have been submitted with the appeal of the termination in order to receive consideration.

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.