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U.S. Department of Homeland Security  
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Washington, DC 20529

INS  
HEADQUARTERS  
FOIA



U.S. Citizenship  
and Immigration  
Services

'04 JUL 22 A6



FILE: 

Office: CALIFORNIA SERVICE CENTER

Date:

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: 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.

**PUBLIC COPY**

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Robert P. Wiemann, Director  
Administrative Appeals Office

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invasion of personal privacy

**DISCUSSION:** The application for adjustment from temporary to permanent resident status was denied by the Director, Western Service Center. It was reopened and denied again by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors denied the adjustment application because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment to permanent resident status.

On appeal to the first denial, the applicant stated that he was not aware that his status had been terminated. He did not respond to the second denial.

Form G-28, Notice of Entry of Appearance of Attorney or Representative, has been filed by an individual who is not authorized to represent the applicant. Therefore, this decision will be provided to the applicant only.

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. *See* 8 C.F.R. § 245a.3(c)(5).

The record reveals that the applicant's temporary resident status was terminated because he had failed to provide sufficient evidence of residence from 1982 through 1984. The applicant appealed such decision, but his appeal was dismissed.

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.