



U.S. Citizenship
and Immigration
Services

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FEB 22 2007

FILE:

XDA 88 012 3069

Office: TEXAS SERVICE CENTER

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:

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the Director, Texas Service Center, is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the temporary resident status of the applicant because the applicant's application for adjustment of status from temporary to permanent residence had been denied, and it had been more than 43 months since the approval of temporary residence.

On appeal, the applicant submits a certificate dated May 24, 1994, from the Weatherford Independent School District, Department of Adult Education, certifying that the applicant participated in the English as a Second Language Program.

Temporary residence shall be terminated at the end of the 43rd month beginning after the date the alien is granted such status, unless the alien has applied for adjustment to permanent residence and such application has not been denied. See Section 245A(b)(2)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(b)(2)(C).

The record reveals that the applicant was granted temporary resident status on October 17, 1989. The application for adjustment from temporary to permanent resident status was denied because the applicant failed on two separate occasions to establish English literacy and basic knowledge and understanding of the history and government of the United States.

The application for adjustment of status has been denied, and it has been more than 43 months since the grant of temporary residence. The director's decision to terminate the applicant's temporary resident status is affirmed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility for temporary resident status.