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



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **OCT 19 2005**

IN RE:

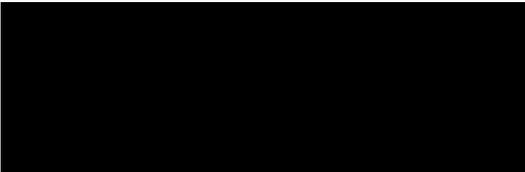
Applicant:



APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 210 of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed 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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant was outside of the United States under an order of deportation after January 1, 1982 and therefore did not reside continuously in the United States since such date. The applicant was deported on October 31, 1985.

On appeal, the applicant requested a copy of his legalization file. The Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS), complied with the request on May 13, 1999.

The applicant is inadmissible under Section 212(a)(6)(B) of the Act formerly a ground of excludability under Section 212 (a)(17) of the Act for being deported and returning to the United States within five years without permission from the Attorney General.

The applicant was deported on October 31, 1985. The applicant has not submitted a Form I-690 Application for Waiver of Grounds of Excludability. The applicant remains ineligible for temporary residence.

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