U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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NOV 23 2004

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Applicant: [redacted]

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:

[redacted]

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, Director
Administrative Appeals Office

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 application was initially denied because the applicant was found to have not acquired temporary resident status, such status being a prerequisite for applying for permanent residence. That decision was withdrawn. The director then terminated the applicant's temporary resident status upon finding that the applicant was a U.S. citizen whose citizenship had not been revoked. The director reasoned that the applicant could not, therefore, be considered to be an alien eligible for legalization (temporary residence). The application for permanent residence was then denied for the second time because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment to permanent resident status.

Neither counsel nor the applicant has responded to the termination of status, or the most recent denial of the application for permanent residence.

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).

The record reveals the applicant's temporary resident status was terminated on October 19, 2001. The applicant did not appeal that decision.

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.