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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship
and Immigration
Services

[redacted]

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FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: APR 01 2005

IN RE: Applicant: [redacted]

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:

[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: This termination of temporary resident status by the Director, California 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, counsel stated that the applicant contended that the termination was erroneous. Counsel indicated that a brief would be submitted within 30 days. However, more than three months later, no brief or evidence has been provided.

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 Act.

The record reveals that the applicant was granted temporary resident status on March 12, 1990. The application for adjustment from temporary to permanent resident status was denied because of the applicant's criminal record. An appeal from that decision was dismissed by the Legalization Appeals Unit.

The application for adjustment of status has been denied, and it has been more than 43 months since the grant of temporary residence. Therefore, temporary residence shall be terminated.

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