



U.S. Citizenship  
and Immigration  
Services

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

PUBLIC COPY



41

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUL 19 2005

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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Western Regional Processing Facility, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant had failed to establish entry into the United States prior to January 1, 1982 and continuous residence since such date. On appeal, the applicant concedes that he lived in Mexico until 1983.

An applicant for temporary residence must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. 1255a(a)(2).

As the applicant has not demonstrated eligibility for the benefit sought, the appeal must be dismissed. It is further noted that the applicant is also ineligible for temporary residence due to his felony convictions for Grand Theft: Firearm/Animal, Possession of Cocaine, Purchase for Sale Narcotic Control Substance, Transport/Sell Narcotic Control Substance. *See* 8 C.F.R. 245a.2(c)(1).

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