

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

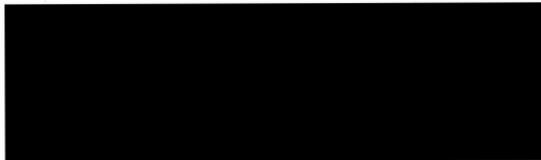
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



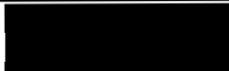
U.S. Citizenship
and Immigration
Services

L1

PUBLIC COPY



FILE:



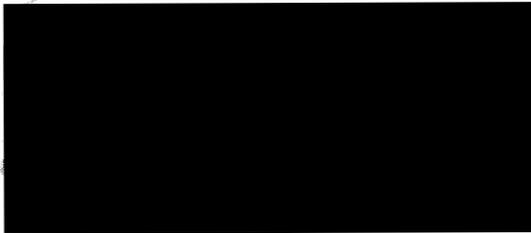
Office: CALIFORNIA SERVICE CENTER

Date: NOV 02 2006

XOX 88 045 2060

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:



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 the matter 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 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 after determining that the applicant was ineligible to adjust to temporary resident status pursuant to 8 C.F.R. § 245a.2(c)(1) because he had been convicted of four misdemeanors in the United States. *See* section 245A(a)(4)(B) of the Immigration and Nationality Act (the Act).

On appeal, counsel acknowledges that the applicant had been convicted of four misdemeanor violations and indicates that expungements for each of these criminal convictions will be forthcoming. Counsel also requests a copy of the record of proceedings and indicates that a brief will be forthcoming within thirty days of compliance with his request.

The record shows that the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) complied with the applicant's request and mailed a copy of the record to the applicant on April 5, 1991. However, as of the date of the decision, neither counsel nor the applicant has submitted a statement, brief, or evidence contesting the basis of the director's denial.

An applicant for temporary resident status under section 245A of the Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States, and is otherwise eligible for adjustment of status under this section. 8 C.F.R. § 245a.2(d)(5).

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. Counsel specifically acknowledged the correctness and validity of the reason stated for denial and neither counsel nor the applicant has provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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