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

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FILE: [Redacted]
XHP 88 092 3011

Office: CALIFORNIA SERVICE CENTER

Date: JUN 27 200

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: 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, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center terminated the instant applicant's temporary resident status based on her failure to file for adjustment of status within 43 months of its initial approval. That termination is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Act may be terminated at any time if the alien fails to file for adjustment of status from temporary to permanent resident on Form I-698 within forty-three months of the date he/she was granted status as a temporary resident under §245a.1 of this part. 8 C.F.R. § 245a.2(u)(1)(iv).

The applicant was granted temporary resident status on March 18, 1988. The 43-month eligibility period for filing for adjustment expired on October 18, 1991. On appeal, the applicant claimed that she filed an Application for Adjustment of Status from Temporary to Permanent Resident (Form I-698) on May 26, 1998, ten years after the 43-month filing period had passed.

The record does not reflect that the application was filed as the applicant claims. In any event, however, whether the Form I-698 application was filed late, as the applicant claims, or not filed at all, as the record reflects, the result is the same. The applicant did not file Form I-698 within 43 months of the date she was granted temporary resident status. Her temporary resident status was correctly denied on that basis, which has not been overcome on appeal.

ORDER: The appeal is dismissed.