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U. S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 08 2009

WAC-96-067-50595

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

John F. Grissom

Acting Chief, Administrative Appeals Office

**DISCUSSION:** The termination of the applicant's temporary resident status by the Director, California Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary resident status because the applicant failed to file the application for adjustment of status within the 43-month application period.

On appeal, former counsel filed a Freedom of Information Act (FOIA) request for a copy of the record of proceedings. Former counsel stated that a brief and additional evidence would be submitted within 30 days of receipt of the record. The FOIA request was completed and mailed to the applicant's current attorney of record on October 6, 2005. As of the date of this decision, counsel has not furnished a brief, any additional evidence, or otherwise responded to the basis for termination.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for termination of the applicant's status. On appeal, counsel has not presented additional evidence. Nor has she specifically addressed the basis for termination. The appeal must therefore be summarily dismissed.

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