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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

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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: OCT 13 2010

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Adjustment from Temporary to Permanent Resident Status under
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. 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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The denial of the applicant's permanent resident status by the director of the National Benefits Center is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the adjustment application because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment to permanent resident status.¹

On appeal, counsel for the applicant addressed the basis for the termination of the applicant's temporary resident status. Counsel has submitted an additional statement from the applicant. However, the instant appeal is related to the denial of the application for adjustment from temporary to permanent resident status.

An alien whose temporary resident status has been terminated under 8 C.F.R. § 245a.2(u) is ineligible for adjustment from temporary to permanent resident status. 8 C.F.R. § 245a.3(c)(5).

The director determined that, pursuant to the above cited regulation, the applicant is no longer eligible to apply for permanent resident status because her temporary resident status was terminated. The applicant has not addressed the denial of the Form I-698 application in her appeal. Therefore, the appeal must be dismissed.

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

¹ The director had terminated the applicant's temporary resident status, based on both a lack of documentation and inconsistent documentation in the record of proceedings. The temporary resident status of an alien may be terminated upon the determination that the alien was ineligible for temporary residence. Section 245A(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(b)(2)(A), and 8 C.F.R. § 245a.2(u)(i). The applicant appealed the director's decision to terminate her temporary resident status. The AAO dismissed the applicant's appeal.