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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090

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**U.S. Citizenship
and Immigration
Services**

[REDACTED]

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FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: MAR 10 2011

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: On July 29, 2010, the Form I-698, application to adjust status from temporary to permanent resident, was denied by the director of the National Benefits Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant is ineligible to adjust from temporary to permanent resident status because his temporary resident status was terminated.¹ The director based his decision on the regulation at 8 C.F.R. § 245a.3(b), which provides:

Any alien who has been lawfully admitted for temporary resident status under section 245A of the Act, such status not having been terminated, may apply for adjustment of status to that of an alien lawfully admitted for permanent residence.

On appeal, counsel asserts that the I-698 application should not have been denied, because the applicant's application for temporary resident status is pending. The applicant has not submitted any further evidence on appeal.

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.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has she presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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

¹ On July 9, 2010, the director of the Los Angeles office terminated the applicant's temporary resident status, finding that the applicant was not eligible for such status, because he failed to establish by a preponderance of the evidence that he entered the United States before January 1, 1982 and continuously resided in an unlawful status in the United States for the requisite period. The director based his decision on lack of evidence and inconsistent evidence in the record of proceedings. However, on July 23, 2010, the director of the NBC erroneously issued a notice that the I-687 application had been reopened. On July 29, 2010, the director of the NBC denied the I-698 application, based upon the termination of the applicant's temporary resident status. On September 14, 2010, the director of the NBC issued a decision on the reopened I-687 application, but the decision erroneously referred to the previously denied I-698 application. The AAO subsequently withdrew the director's September 14, 2010 decision, and, after *de novo* review, dismissed the applicant's appeal of the July 9, 2010 decision to terminate the applicant's temporary resident status.