



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted]
XDA 88 002 4064

Office: TEXAS SERVICE CENTER

Date: APR 25 2007

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:

[Redacted]

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.

for
Robert P. Wiemann

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The director terminated the temporary resident status of the applicant because the applicant's application for adjustment of status from temporary to permanent residence had been denied.

On appeal, counsel for the applicant asserts that the notice of termination is based on a failure to respond but the applicant responded to a notice of intent to terminate the applicant's temporary resident status.

Temporary residence shall be terminated at the end of the 43rd month beginning after the date the alien is granted such status, unless the alien has applied for adjustment to permanent residence and such application has not been denied. *See* Section 245A(b)(2)(C) of the Act.

The record reveals that the applicant was granted temporary resident status on October 6, 1989. The application for adjustment from temporary to permanent resident status was denied on October 13, 2005, because the applicant failed to submit evidence to establish his eligibility for adjustment of status from temporary to permanent resident.

Counsel asserts that the applicant responded to the director's notice of intent to terminate the applicant's temporary resident status. Counsel submits a photocopy of a computer printout indicating that the United States Postal Service delivered a package to Citizenship and Immigration Services on February 27, 2006, along with a photocopy of the applicant's response to the notice of intent to terminate dated January 25, 2006. The applicant, in response to the notice of intent to terminate, submitted two affidavits attesting to his use of the address at Irving, Texas, as a main address for receiving important correspondence.

These documents relate to the applicant's residence in the United States and should have been submitted in response to the notice of intent to deny the applicant's Form I-698, Application to Adjust Status from Temporary to Permanent Resident.

The sole issue in this proceeding is whether the director correctly terminated the applicant's temporary resident status. The application for adjustment of status has been denied, therefore the director correctly terminated the applicant's temporary resident status.

It is noted that the applicant's 2006 fingerprint results report indicates that the applicant was removed from the United States to Mexico on July 28, 1999. (CIS record [REDACTED] relates).

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility for temporary resident status.