



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
XVN 88 541 2007

Office: CALIFORNIA SERVICE CENTER

Date: FEB 05 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: 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 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 applicant filed his Form I-687, Application for Temporary Resident Status, with the Immigration and Naturalization Service, now Citizenship and Immigration Services, on July 5, 1988. The director initially denied the application on February 28, 1992, because the applicant failed to appear for two scheduled interviews.

On March 30, 1992, the applicant filed an appeal from the denial decision. On appeal, the applicant stated that he missed the first interview appointment due to unforeseen circumstances, but he never received a second interview appointment notice. On April 28, 1992, the director reopened the case and provided the applicant with another opportunity to be interviewed. The applicant appeared for his interview as scheduled, and the director granted the applicant temporary resident status on September 18, 1992.

The director subsequently terminated the applicant's temporary resident status on October 29, 2004, because the applicant failed to file the application for adjustment of status from temporary to permanent residence within the 43-month application period. The director informed the applicant that his appeal was still in effect and granted him thirty days to submit evidence to overcome the ground for termination of his temporary resident status. The termination notice was mailed to the applicant's address of record, but the record does not contain a response from the applicant. Therefore, the record will be considered complete.

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 September 18, 1992. The 43-month eligibility period for filing for adjustment expired on April 17, 1996. The Application for Adjustment of Status from Temporary to Permanent Resident (Form I-698) was not received by the Immigration and Naturalization Service until April 6, 1999. The director therefore denied the untimely I-698 application, and subsequently terminated the applicant's temporary resident status.

As stated above, the applicant has not submitted any evidence to overcome the basis for the termination of his temporary resident status; therefore, the appeal must be dismissed.

The applicant is ineligible for temporary residence for the above stated reasons, with each considered as an independent and alternative basis for denial.

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