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41

FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: MAR 14 2007
XHA 88 1603077

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.

A handwritten signature in black ink, appearing to read "R. 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 (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 from temporary to permanent residence within the 43-month application period.

On appeal, the applicant concedes the director's finding and provides an explanation in an effort to overcome the ground for termination.

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 June 30, 1989. The 43-month eligibility period for filing for adjustment expired on December 30, 1992. The record contains no evidence that the applicant filed an Application for Adjustment of Status from Temporary to Permanent Resident (Form I-698). The director therefore terminated the applicant's temporary resident status.

On appeal, the applicant claims that she filed a Form I-698 in December 2004 and concedes that the alleged filing was untimely with respect to the 1987 approval of her application for adjustment of status to that of temporary resident. However, as previously stated, the record contains no evidence to support the applicant's claim regarding the filing of a Form I-698. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The applicant further claims that her lack of knowledge is the reason for her untimely filing. However, the record shows that the applicant filed a number of applications seeking to replace her temporary residence card after having been approved for temporary resident status. Her numerous filings of Form I-695, Application for Replacement of Form I-688, Temporary Residence Card, strongly suggest that the applicant was aware of having been granted temporary residence. As such, her claimed lack of knowledge is not supported by the evidence of record.

There is no evidence that the applicant filed an application for adjustment of status within 43 months since the grant of temporary residence. The applicant has failed to overcome the director's ground for termination. Therefore, temporary residence shall be terminated.

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