

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



4

FILE: [REDACTED]
XAH 88 006 6053

Office: CALIFORNIA SERVICE CENTER

Date: MAR 14 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 application for temporary resident status was denied by the Director, California Service Center. The matter subsequently came before the Administrative Appeals Office (AAO) on appeal and was remanded pending further litigation of *Proyecto San Pablo v. Immigration and Naturalization Service*, 784 F. Supp. 738 (D. Ariz. 1991). The matter is back before the AAO on appeal. The appeal will be dismissed.

The director determined that the applicant was deported on April 25, 1985. Accordingly, the director concluded that the applicant is ineligible to adjust his status to that of a temporary resident because his continuous residence was interrupted by an absence, which resulted from an order of deportation after January 1, 1982.

On appeal, the applicant disputes the director's finding of ineligibility despite his deportation and claims that he has "been a model resident" since the time of his deportation. The applicant expresses his desire to remain united with his family in the United States.

An applicant for temporary residence must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). An alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside the United States under an order of deportation. Section 245A(g)(2)(B)(i) of the Act, 8 U.S.C. § 1255a(g)(2)(b)(i).

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has conceded the basis for his ineligibility and has not presented additional evidence to overcome the adverse information. The appeal must therefore be dismissed.

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