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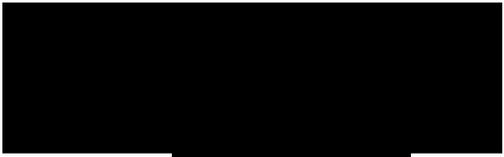
U.S. Department of Homeland Security
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U.S. Citizenship
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FILE: [Redacted]
XOP 88 127 3078

Office: TEXAS SERVICE CENTER

Date: MAR 26 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:



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: This termination of 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 applicant's temporary resident status because the applicant's application for adjustment of status from temporary to permanent residence had been denied, and it had been more than 43 months after the approval of temporary resident status.

On appeal, counsel for the applicant states that the applicant responded to the notice of intent to terminate submitting documentation to establish continuous residence in the United States from prior to October 17, 1988 until March 13, 1991. Counsel explains that the applicant came to the United States in 1978 at eight years of age and has not left the United States since that date. Counsel further states that the applicant didn't appear for her adjustment interview because she didn't receive the interview notice. Counsel submits an affidavit from the applicant and documentation relating to the applicant's residence in the United States.

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 17, 1988. The service center director denied the applicant's Form I-698, Application to Adjust Status from Temporary to Permanent Resident, on September 12, 2005.

The application for adjustment of status has been denied, and it has been more than 43 months since the grant of temporary resident status. Therefore, temporary residence shall be terminated.

It is noted for the record that the applicant filed a second Form I-687, Application for Status as a Temporary Resident, on September 19, 2005, pursuant to the terms of the CSS/Newman (LULAC) Settlement Agreement. On February 1, 2007, the applicant, through counsel, submitted a statement of withdrawal of her Form I-687. On February 1, 2007, the District Director, Miami, Florida, withdrew the application at the applicant's request.

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