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U. S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services

[redacted]

L1

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date: APR 10 2009

MSC-08-170-10831

IN RE: Applicant: [redacted]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary residence because of inconsistencies in the record that undermine the credibility of her claim of continuous residence in the United States during the requisite period. The director then determined that the applicant was no longer eligible for adjustment to permanent resident status, and denied the application.

On appeal, the applicant asserts that her United States citizen son has filed an I-130, Petition for Alien Relative, on her behalf. The applicant resubmitted her rebuttal to the notice of intent to terminate, which details her absences from the United States. However, the rebuttal relates to the termination of the applicant's temporary residence, a matter that is not on appeal before the AAO. At issue in the present case is the denial of the applicant's adjustment to permanent resident status. According to 8 C.F.R. § 245a.3(c)(5), an alien whose temporary resident status has been terminated is ineligible for adjustment from temporary to permanent resident status. The applicant has failed to address the grounds for denial, and has not furnished any additional relevant evidence.[1]

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has she presented additional evidence relevant to the grounds for denial. The appeal must therefore be summarily dismissed.

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

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[1] The applicant indicated that she would submit a brief within 30 calendar days. The applicant filed her appeal notice on December 9, 2008; as of the date of this decision she has not submitted a brief or any additional evidence. Therefore, the record will be considered complete for purposes of rendering a decision on the appeal.