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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
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[REDACTED]

FILE: [REDACTED]
WAC 07 258 50103

Office: LOS ANGELES

Date: **OCT 27 2009**

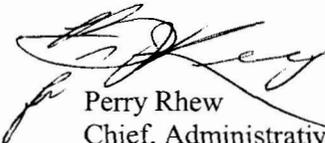
IN RE: Applicant: [REDACTED]

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. 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.


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: Following the denial of an application to adjust status from temporary to permanent resident, the applicant's temporary resident status was terminated by the director in Los Angeles, California. The latter decision is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The Notice of Appeal (Form I-694) identifies [REDACTED] as the applicant's attorney or representative. However, the required Form G-28, Notice of Entry of Appearance as Attorney or Representative, has not been submitted. Accordingly, the AAO recognizes the applicant as self-represented and will address this decision solely to him.

The applicant filed a Form I-687, Application for Status as a Temporary Resident, under section 245A of the Immigration and Nationality Act (the Act), in April 1988. The application was approved and temporary resident status granted on May 5, 1989.

On November 8, 1991, the applicant filed a Form I-698, Application to Adjust Status from Temporary to Permanent Resident, under section 245A of the Act.

On August 9, 2007, the director issued a Notice of Decision denying the application on the ground that the applicant had five misdemeanor convictions for violations of section 647(f) of the California Penal Code. An alien who has been convicted of three or more misdemeanors committed in the United States is ineligible for adjustment from lawful temporary resident status to lawful permanent resident status. *See* section 245A(b)(1)(C)(ii) of the Act.

The Notice of Decision advised the applicant that he could file an appeal within 30 days. No such appeal was filed within the 30-day period.

On September 10, 2007, the director issued a Notice of Intent to Terminate the applicant's temporary resident status. This notice accorded with section 245A(b)(2)(B)(ii) of the Act, which provides that previously granted temporary resident status shall be terminated if the alien is convicted of three or more misdemeanors committed in the United States. The applicant was granted 30 days to submit evidence in rebuttal.

No rebuttal evidence was submitted by the applicant. The director then issued a Notice of Termination on November 10, 2007, finding the applicant ineligible for temporary resident status.

The applicant filed a timely appeal (Form I-694) on December 10, 2007. On the appeal form the applicant checked a box indicating that a brief would be submitted within 30 days. No such brief was submitted within 30 days, however, or at any time thereafter. Nor did the applicant make any entry in the space on the appeal form captioned "Summarize the reasons for this appeal."

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

A review of the decision shows that the director accurately set forth a legitimate basis for termination of the applicant's temporary resident status. On appeal, the applicant has not presented a brief or any

additional evidence. He has not stated the reason(s) for the appeal, nor addressed the grounds for the decision in any way. The appeal must therefore be summarily dismissed.

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