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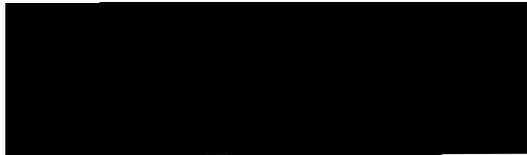
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

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**U.S. Citizenship  
and Immigration  
Services**

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FILE: [REDACTED]  
XAH 88 525 7001

Office: WESTERN SERVICE CENTER

Date: **SEP 22 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The termination of the applicant's temporary resident status by the Director, Western Service Center (WSC), is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant was granted temporary resident status on November 25, 1988 under section 245A of the Immigration and Nationality Act (the Act), as amended and was required to file an application to adjust status from temporary to permanent resident within forty-three months of receiving his temporary resident status. 8 C.F.R. § 245a.3(b)(1). His forty-three month period ended on June 25, 1992. Pursuant to section 245A(b)(2)(C) of the Act, 8 U.S.C. § 1255a(b)(2)(C), a failure to file an application for adjustment to permanent residence within this statutory filing period will result in the termination of the applicant's temporary residence.

The WSC director issued a Notice of Termination on August 1, 1995.

On appeal, the applicant states he has not had sufficient funds to hire an attorney and that he requires his temporary resident status so that he can work and support his family.

Any appeal which is filed solely on the basis of a denial for failure to file the application for adjustment of status under section 210 or 245A in a timely manner, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv)(B) and (C). Neither the statute nor the regulation allows for a discretionary exception to this rule.

In removal proceedings held on June 19, 2006, an Immigration Judge in Lancaster, California, ordered the applicant deported to Mexico. The record contains a Warrant of Removal/Deportation, issued by the Acting Field Office Director of the Los Angeles, California, office of United States Citizenship and Immigration Services, showing that he was deported from the United States on July 13, 2006.

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