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



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

41

[REDACTED]

FILE:

[REDACTED]

Office: Los Angeles

Date:

AUG 25 2010

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Temporary Resident Status under Section 245A of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[REDACTED]

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 if your case was remanded for further action, you will be contacted.

*Elizabeth McCormack*

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The termination of temporary resident status by the Director, Los Angeles, is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The director denied the applicant's Application for Status as a Temporary Resident (Form I-687) because the applicant failed to timely file the Form I-698 application. The director found that the applicant had been granted temporary residence on August 18, 2005, and that the eligibility period for her to file the Form I-698 expired on March 17, 2009. The director then terminated the applicant's temporary resident status because the application for permanent residence had been denied. The termination is before the AAO on appeal.

On appeal, the applicant states that she relied on a notice sent to her by the Immigration & Naturalization Service (INS), now United States Citizenship & Immigration Services (USCIS) which appeared to give her until August 17, 2009 to timely file the Form I-698. The AAO accepts the applicant's statement.

The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Immigration and Nationality Act (the Act) may be terminated at any time if the alien fails to file for adjustment of status from temporary to permanent resident on Form I-698 within forty-three months of the date he/she was granted status as a temporary resident under § 245a.1 of this part. 8 C.F.R. § 245a.2(u)(1)(iv).

Under the facts presented in this record of proceedings, the AAO finds that the applicant timely filed the Form I-698.

The termination of temporary residence is withdrawn, as is the denial of permanent residence. The director shall complete the adjudication of the application for permanent residence.

**ORDER:** The appeal is sustained.