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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

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[redacted]

FILE: [redacted] Office: LOS ANGELES Date: MAR 02 2010

XHO 88 064 04075

[redacted]

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: The application for temporary resident status under Section 245A of the Immigration and Nationality Act (Act) was terminated by the Director, Los Angeles, California. The decision to terminate is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant, a native of El Salvador who claims to have lived in the United States since before January 1, 1982, submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), on December 31, 1987. The director approved the application on July 10, 1988.

Subsequently, the director terminated the applicant's temporary resident status, finding that the applicant had not established eligibility for the benefit sought and was, therefore, not eligible to adjust to temporary resident status. The decision to terminate was based on the fact that the applicant's application to adjust status from temporary to permanent status was denied by the director.[1]

On appeal, the applicant does not allege any legal or factual error in the director's decision, and does not address grounds for termination cited in the Notice of Intent to Terminate (NOIT) and the Notice of Termination (NOT). The applicant requested a copy of the Record of Proceedings (ROP) and indicated that he will file a brief/evidence within 30 days of receiving the ROP. The record reflects that the ROP was processed on September 10, 2009. The record also reflects that the applicant did not submit brief/evidence as he had indicated. The AAO will consider the record as complete and will adjudicate the application based on the evidence in the record.

The applicant has not submitted new evidence bearing on the grounds for termination discussed in the NOT. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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 reveals that the director accurately set forth a legitimate basis for termination of the applicant's temporary resident status. On appeal, the applicant has not addressed the grounds stated for termination, and has not cited any error(s) in the decision nor has he presented additional evidence relevant to the grounds for termination or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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[1] The record reflects that the application for temporary resident was approved on July 10, 1988. On December 4, 1989, the applicant timely filed a Form I-698 (Application to Adjust Status from Temporary to Permanent Resident). The director denied the Form I-698 application because the applicant was convicted of two or more felonies, which rendered him statutorily ineligible to adjust his status from temporary to permanent. The applicant timely appealed the denial to the AAO. On February 28, 2008, the AAO dismissed the appeal finding that the applicant ineligible under 8 C.F.R. § 245a.3(c)(1). Subsequently, the director terminated the applicant's temporary resident status on the same grounds.

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