

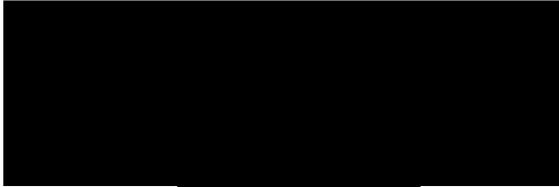
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529 - 2090



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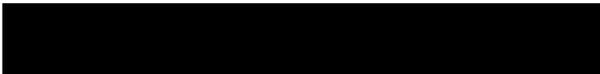
Office: LOS ANGELES

Date:

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IN RE:

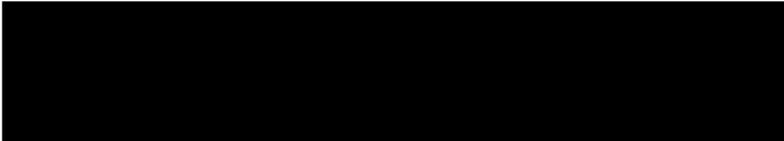
Applicant:



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:



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 termination of temporary resident status by the Director, Los Angeles, California, is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary resident status on May 1, 2008, because the applicant failed to file an application to adjust from temporary status to permanent resident status, Form I-698. The director noted that Service records reveal that the applicant filed a Form I-687 application during the original legalization filing period, and he was granted temporary resident status on April 6, 1989. In a January 31, 2008 notice of intent to deny (NOID), the director noted that the applicant was required to file a Form I-698 no later than October 5, 1992, but had failed to timely file the application, and as of January 31, 2008, a Form I-698 application had not been filed. The director noted that the applicant failed to respond to the NOID.

It is noted that counsel for the applicant stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-694, that an appeal brief or supplementary statement will be submitted after receipt of a copy of the record of proceedings (ROP). The record reflects that three (3) FOIA requests have been processed as of December 15, 2008. However, the record does not reflect receipt of a brief or additional evidence. Therefore, the record must be considered complete.

On appeal, counsel makes generalized statements that the director failed follow regulatory procedures. Counsel does not submit additional evidence on 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.

It is noted that the applicant's Federal Bureau of Investigation (FBI) results report, completed in connection with his subsequent TPS re-registration application, reflects that:

The applicant was arrested on August 24, 1991, by the Los Angeles Police Department, Los Angeles, California, and charged with "F BURGLARY." The FBI results report indicates that the Municipal Court, Metro, Los Angeles, convicted the applicant of a violation of "602 5 PC-ENTER ETC NONCOMERCIAL DWELLING," and sentenced the applicant to 24 months probation, and 10 days jail.

It is noted that the final court disposition is not in the record of proceeding.

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

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