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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
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FILE:

WAC-07-251-50373
[XEM 88 122 7194]

Office: CALIFORNIA SERVICE CENTER

Date: **MAR 23 2010**

IN RE:

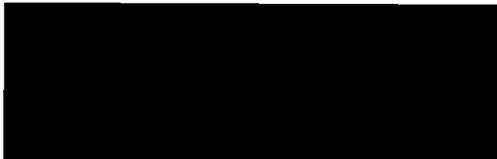
Applicant:



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 on your appeal. If your appeal was dismissed or rejected, your file has been sent to the National Benefits Center. You no longer have a case pending before this office. If your appeal was sustained or the matter was remanded for further action, your file has been returned to the office that originally decided your case, and you will be contacted. You are not entitled to file a motion to reopen or reconsider your case.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The director, California Service Center, terminated the applicant's temporary resident status, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act (Act). The director terminated the applicant's temporary residence status, finding the applicant was statutorily ineligible because he had been in temporarily resident status for more than 43 months and his application to adjust to permanent resident status had been denied.

The applicant represents himself on appeal. He states that all his charges have been dismissed.

The issue in this proceeding is whether the applicant has established his eligibility for temporary resident status pursuant to the Act. The AAO has reviewed the evidence of record, including the applicant's criminal record, and concludes that the applicant has not met his burden of proof to establish his eligibility for temporary resident status.

The record before the AAO reveals that the applicant was granted temporary resident status on September 6, 1988. He subsequently filed a Form I-698, application for permanent resident status, on October 25, 1990. On February 5, 2007, the director denied the applicant's Form I-698. The applicant appealed the decision and the appeal was dismissed. The AAO concurs in the director's decision.

The applicant has been in temporary resident status for more than 43 months and his Form I-698 has been denied. His temporary resident status was terminated because he had been convicted of three or more misdemeanors committed in the United States. The director correctly terminated the applicant's temporary resident status. See 8 U.S.C. §1255a(B)(2). No waiver of such ineligibility is available. The applicant is, therefore, ineligible for temporary resident status under section 245A of the Act on this basis.

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