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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



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[REDACTED]

APR 05 2011

FILE: [REDACTED] Office: HOUSTON Date:
MSC-09-230-10510

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status pursuant to 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 remanded for further action, you will be contacted.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary resident status to permanent resident status was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application for adjustment from temporary to permanent resident status because the applicant's temporary resident status was terminated on September 17, 2010.¹

The regulation at 8 C.F.R. §245a.3(b) states, in pertinent part:

“Any alien who has been lawfully admitted for temporary resident status under section 245A(a) of the Act, such status not have been terminated, may apply for adjustment of status of that of an alien lawfully admitted for permanent residence . . .”

Since the applicant's temporary resident status was terminated and his appeal of that decision was dismissed, he is not eligible for adjustment to permanent resident status per 8 C.F.R. § 245a.3(b). The appeal must therefore be dismissed.

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

¹ MSC-06-090-12921