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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, D.C. 20529-2090

U.S. Citizenship and Immigration Services

L1

[redacted]

Date: FEB 09 2012 Office: LOS ANGELES FILE: [redacted]

IN RE: Applicant: [redacted]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under 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. All documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director of the Los Angeles office. On appeal to the Administrative Appeals Office (AAO), the matter was remanded. Subsequently, the director reopened the matter sua sponte, issued a notice of certification to the applicant, advising the applicant he was again dismissing the applicant's application for adjustment from temporary to permanent resident status. The AAO will affirm the director's decision dated December 8, 2011.

The director denied the applicant's Application to Adjustment Status from Temporary to Permanent (Form I-698) because the applicant failed to timely file the application. The director then terminated the applicant's temporary resident status because the application for permanent residence had been denied. The director certified his decision and provided the applicant an opportunity to submit a brief or statement. Nothing more has been submitted for the record.

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). The AAO lacks discretionary authority to waive this requirement.

The director's decision to terminate the applicant's temporary residence is affirmed.

ORDER: The director's decision of December 8, 2011 is affirmed.