

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy  
**PUBLIC COPY**

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**

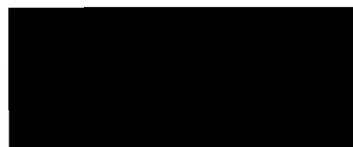


41

DATE: **JUN 06 2011**

Office: HOUSTON

FILE:



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 applicant's status as a temporary resident was terminated by the Director, Houston, Texas. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant was granted temporary resident status on October 15, 1987 under section 245A of the Immigration and Nationality Act (Act), as amended, 8 U.S.C. § 1255a. However, pursuant to 8 C.F.R. 245a.2(b)(1) states in pertinent part, "the temporary resident status may be terminated upon the occurrence of any of the following: (i) it is determined that the alien was ineligible for temporary residence under section 245A of this Act."

On September 27, 2010, the director issued a Notice of Intent to Terminate (NOIT) the applicant's temporary resident status. The NOIT indicated that the applicant testified in his interview with United States Citizenship and Immigration Services (USCIS) that he had been arrested once for driving while intoxicated and six times for public intoxication. The director indicated that the applicant had submitted the official court records for the driving while intoxicated conviction, however, the applicant had not submitted any court documents for the other six arrests. The director noted that the applicant is ineligible for temporary resident status if he has been convicted of three or more misdemeanors committed in the United States. Since the applicant had not established that he was eligible for temporary resident status, or resolved the inconsistencies with regard to his criminal record, the director terminated the applicant's temporary residence on November 23, 2010. The applicant filed a timely appeal.

On appeal, the applicant, through counsel, indicates that the "six arrests" referred to by the applicant were actually routine traffic stops. He fails to submit any evidence of these traffic violations, nor does he address the fact that he admitted to being arrested for public intoxication, not traffic offenses. 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 the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence of his eligibility or information which resolves the noted inconsistencies. The appeal must therefore be summarily dismissed.

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