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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
and Immigration
Services

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Date: NOV 22 2011 Office: NATIONAL BENEFITS CENTER

FILE:

IN RE: Applicant:

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:

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 to permanent resident status was denied by the director of the National Benefits Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant is ineligible to adjust from temporary to permanent resident status because his temporary resident status was terminated.¹

On appeal, the applicant asserts that the decision of the director was in error. The applicant has not submitted any further documents on appeal, regarding the denial of the I-698 application.²

The regulation at 8 C.F.R. § 245a.3(b) provides:

Any alien who has been lawfully admitted for temporary resident status under section 245A of the Act, such status not having been terminated, may apply for adjustment of status to that of an alien lawfully admitted for permanent residence.

The applicant's temporary resident status was terminated on September 7, 2010. The director determined that, pursuant to the above cited regulation, the applicant is no longer eligible to apply for permanent resident status because his temporary resident status was terminated. On appeal, the applicant addressed the basis for the termination of his temporary resident status. However, the instant appeal is related to the denial of his application for permanent residence. The applicant has not addressed the denial of the Form I-698 application in his appeal. Therefore, the appeal must be dismissed.

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 addressed the grounds stated for denial, nor has he presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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

¹The director of the Houston office terminated the applicant's temporary residence status, based on both a lack of documentation and inconsistent documentation in the record of proceedings. The applicant appealed the decision to the AAO. The AAO has dismissed the applicant's appeal.

²The applicant asserts that the director should not have denied the I-698 application because the applicant's appeal of the termination of his temporary resident status is pending. However, as noted above, the AAO has dismissed the applicant's appeal of the termination of his temporary resident status. The AAO notes that the documents that the applicant submits on appeal pertain to the termination of his temporary resident status, and are, thus, not relevant to the denial of the I-698 application.