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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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Date: Office: NATIONAL BENEFITS CENTER

APR 02 2012

IN RE:

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 to adjust from temporary 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 to adjust status from temporary to permanent resident because the applicant's temporary resident status in the United States was terminated by the Field Office Director in Los Angeles, California, and he is no longer eligible to adjust status to a permanent resident.

On appeal, the applicant asserts that he has been residing in the United States for 31 years, that he has been physically present in the United States for those years and that he has submitted all the required evidence to establish his residence in the United States since January 1979. The applicant requests that his application for permanent resident be reopened and that his application be approved. The applicant does not allege any legal or factual error in the director's decision and has submitted no new evidence bearing on the grounds for denial discussed in the decision.

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 record reflects that the director terminated the applicant's temporary resident status on March 27, 2009, because the applicant failed to establish his continuous unlawful residence in the United States from before January 1, 1982 through the requisite period. Specifically, the director determined that the applicant had submitted insufficient and contradictory evidence to establish his continuous unlawful residence in the United States for the requisite period and that he had failed to overcome the contradictions and the evidentiary deficiencies cited in the Notice of Intent to Terminate (NOIT). The applicant timely filed an appeal of the termination to the Administrative Appeals Office (AAO). On January 14, 2010, the AAO dismissed the applicant's appeal of the decision to terminate his temporary resident status.

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 record reflects that the applicant does not have an approved Form I-687, and therefore, is ineligible to adjust status from temporary to permanent resident. The applicant does not allege any legal or factual errors in the director's decision to dismiss the applicant's Form I-698 application. Nor has he addressed the denial of his Form I-698 application on this appeal. Therefore, the appeal must be summarily 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 that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any additional or new evidence bearing on his case. Nor has he addressed the basis for the denial. The appeal must therefore be summarily dismissed.

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