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



**U.S. Citizenship
and Immigration
Services**

[REDACTED]

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Date: APR 30 2012 Office: NATIONAL BENEFITS CENTER

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: Application to Adjust Status 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:

SELF-REPRESENTED

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 to permanent resident status pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a, was denied by the director of the National Benefits Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The director denied the Form I-698 application, finding that the applicant's temporary resident status had been terminated and therefore he was not eligible to adjust from temporary to permanent resident status.

The director of the Houston office terminated the applicant's temporary resident status. The applicant appealed the decision. The AAO sustained the appeal. The applicant has overcome the director's reason for denying the applicant's application for adjustment from temporary to permanent resident status.

Any alien who has been lawfully admitted for temporary resident status may apply for adjustment of status if the alien (A) can demonstrate that he or she meets the requirements of section 312 of the Immigration and Nationality Act (Act) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or, (B) can demonstrate he or she is satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States. See 8 C.F.R. § 245a.3(b)(4). In the instant case, the applicant passed the United States history and civics as well as his English tests.

Upon a *de novo* review of all of the evidence in the record, the AAO finds that the applicant is eligible for permanent residence in the legalization program. Consequently, the applicant has overcome the particular basis of denial cited by the director.

The appeal will be sustained.

ORDER: The appeal is sustained.