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

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

[redacted]

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Date: DEC 0 8 2012 Office : HOUSTON File: [redacted]

IN RE: Applicant: [redacted]

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:

[redacted]

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

Ron Rosenberg
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The applicant filed an application for temporary resident status on February 6, 1988. The application was granted on October 24, 1989. The director of the Houston field office terminated the temporary resident status of the applicant on April 6, 2011. The Administrative Appeals Office (AAO) remanded the matter to the field office director. Rather than certify its decision to the AAO, the director issued a new decision on August 30, 2012 terminating the applicant's temporary resident status. On October 10, 2012, the AAO certified the director's decision to permit the applicant an opportunity to challenge the director's decision. The applicant failed to respond to the notice of certification. The AAO will affirm the director's decision terminating the applicant's temporary resident status. The appeal will be dismissed.

On appeal, counsel for the applicant indicated on the appeal form that it was appealing the director's decision on the applicant's Form I-698, dated February 9, 2011. The AAO treated the appeal as one relating to the director's decision to terminate the applicant's temporary resident status. The entire record was reviewed and considered in rendering this decision.[1]

The temporary resident status of an alien may be terminated upon the determination that the alien was ineligible for temporary residence. Section 245A(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(b)(2)(A), and 8 C.F.R. § 245a.2(u)(i).

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. Nor has he addressed the grounds stated for denial. The applicant merely indicated that he had a pending appeal on his Form I-687. The record suggests that the applicant attempted to file two appeals, one on the Form I-687 decision and another on the Form I-698 decision, however, only one appeal was accepted. It appears that no filing fee was submitted with the second appeal. The applicant stated on the appeal form that he would submit a brief within 30 calendar days. Nothing more was submitted for the record. The applicant was given another opportunity to submit a brief and/or additional evidence in response to the notice of certification. He failed to respond. The appeal must therefore be summarily dismissed.

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

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[1] The AAO conducts appellate review on a *de novo* basis. The AAO's *de novo* authority is well recognized by the federal courts. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).