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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**



[REDACTED]

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Date: **FEB 07 2012** Office: LOS ANGELES

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Resident Status under 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 if your case was remanded for further action, you will be contacted.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Los Angeles director's decision to terminate the applicant's temporary resident status was certified to the Administrative Appeals Office (AAO). The AAO will affirm the director's decision dated December 8, 2011.

The director denied the applicant's Application to Adjustment Status from Temporary to Permanent (Form I-698) because the applicant failed to timely file the application. The director found that the applicant had been granted temporary residence on November 25, 2005 and that the eligibility period for him to file the Form I-698 expired on June 24, 2009. The director then terminated the applicant's temporary resident status because the application for permanent residence had been denied.

The status of an alien lawfully admitted for temporary residence under section 245A(a)(1) of the Immigration and Nationality Act (the Act) may be terminated at any time if the alien fails to file for adjustment of status from temporary to permanent resident on Form I-698 within forty-three months of the date he/she was granted status as a temporary resident under § 245a.1 of this part. 8 C.F.R. § 245a.2(u)(1)(iv). The AAO lacks discretionary authority to waive this requirement.

The director's decision to terminate the applicant's temporary residence is affirmed.

ORDER: The director's decision of December 8, 2011 is affirmed.