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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



L1

Date: FEB 14 2012 Office: NATIONAL BENEFITS CENTER

FILE: [Redacted]

IN RE: Applicant: [Redacted]

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:
[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Form I-698, application to adjust status from temporary to permanent resident pursuant to section 245A of the Immigration and Nationality Act (Act), was denied by the director of the National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded.

On June 27, 2011, the director denied the I-698 application, based upon the termination of the applicant's temporary resident status. The AAO has sustained the applicant's appeal of the termination of his temporary resident status, and has returned the matter to the director of the Houston office to reopen the I-698 application. On remand, the director should ask the applicant to submit the final court disposition for an arrest on March [REDACTED] by the Houston Police Department for criminal mischief.

The case is remanded for the director to fully adjudicate the I-698 application for adjustment from temporary to permanent resident status. If adverse, the decision shall be certified to the AAO without fee.

ORDER: The case is remanded for appropriate action consistent with the above.