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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: FORT SMITH

FILE:



JAN 11 2012

IN RE:

Applicant:



APPLICATION: Application for Adjustment 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have 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 application for adjustment from temporary resident status to permanent resident status was denied by the Director, Fort Smith, Arkansas and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application for adjustment from temporary to permanent resident status because the applicant's temporary resident status was terminated on November 16, 2009 and the subsequent appeal dismissed by the AAO on March 3, 2011.

The regulation at 8 C.F.R. §245a.3(b) states, in pertinent part:

“Any alien who has been lawfully admitted for temporary resident status under section 245A(a) of the Act, such status not have been terminated, may apply for adjustment of status of that of an alien lawfully admitted for permanent residence . . .”

Since the applicant's temporary resident status has been terminated, he is not eligible for adjustment to permanent resident status per 8 C.F.R. § 245a.3(b). The appeal must therefore be dismissed.

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