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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

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Date: **MAY 25 2012** Office: LOS ANGELES

File:

IN RE: Applicant:

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: Self-represented

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.

for 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 Los Angeles Office and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the adjustment application, finding the applicant had never been granted temporary resident status, and the applicant was therefore not eligible for adjustment to permanent resident status.

On appeal, the applicant asserts that he had applied for and was granted temporary resident status.

To be eligible to adjust from temporary to permanent resident status, the applicant must have been granted temporary resident status. 8 C.F.R. § 245a.3(b). The record and Service indices are void of evidence that the applicant filed for temporary resident status. The applicant did file a Form I-687 on February 7, 1990 to make a claim to class membership and subsequently filed a Form I-485 to apply for permanent resident status pursuant to the LIFE Act. He has not established that he was ever granted temporary resident status.

The record indicates that the applicant was arrested on December 2, 1991 and charged with violating section 242 of the California Penal Code, battery, and section 273.5(a) CPC, inflict corp inj on spouse. The record further indicates that the applicant was convicted of violating section 242 CPC and that the latter charge was dismissed. Case No. 91F11421. A single misdemeanor conviction does not affect the applicant's eligibility.

The applicant is not a temporary resident. Therefore, he is ineligible for adjustment from temporary to permanent resident status.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility for adjustment from temporary to permanent resident status.