

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: NOV 05 2012 Office: HOUSTON

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:



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.

A handwritten signature in cursive script, appearing to read "Perry Rhew".

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for adjustment from temporary to permanent resident status in the legalization program was denied by the Director of the Houston Field Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The director denied the adjustment application because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment to permanent resident status. The director terminated the applicant's temporary resident status because the applicant had not established that he had continually resided in the United States throughout the requisite period. The applicant appealed the director's decision to terminate his temporary resident status and the AAO sustained the appeal.

The applicant is again a temporary resident. Therefore, he is eligible for adjustment from temporary to permanent resident status.<sup>1</sup> The applicant may have satisfied the English and civics requirements of the Act if he can show that the course(s) he completed were the equivalent of an academic year and whether the curriculum included at least 40 hours of instruction in English and United States history and government. Alternatively, he may meet an exception to the rule due to his age.

**ORDER:** The appeal is sustained.

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<sup>1</sup> The applicant has one misdemeanor conviction. A single misdemeanor conviction does not disqualify the applicant for temporary or permanent resident status.