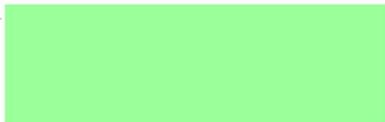


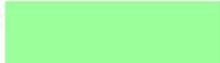


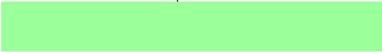
**U.S. Citizenship  
and Immigration  
Services**

(b)(6)



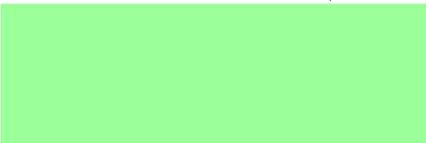
Date: **FEB 05 2013** Office: NATIONAL BENEFITS CENTER

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.

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

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

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 further determined that the applicant failed to establish he satisfied the English and civics requirements of the Act.

On appeal, counsel for the applicant asserts that the director erroneously denied the applicant's Form I-698 application for adjustment from temporary to permanent resident status, because the applicant had appealed the director's decision to terminate his temporary resident status.<sup>1</sup> Counsel requested a copy of the record of proceedings and indicated he would submit a brief within 30 days of receipt of the record. The request for a copy of the record was processed on December 4, 2012. Nothing more has been submitted for the record.

An alien whose temporary resident status has been terminated under 8 C.F.R. § 245a.2(u) is ineligible for adjustment from temporary to permanent resident status. 8 C.F.R. § 245a.3(c)(5). 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.

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<sup>1</sup> The AAO dismissed the applicant's appeal of the director's decision to terminate her temporary resident status.