



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF R-D-G-

DATE: SEPT. 13, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

APPLICATION: FORM I-687, APPLICATION FOR STATUS AS A TEMPORARY RESIDENT
UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY
ACT

The Applicant, a native and citizen of Mexico, seeks status as a temporary resident. *See* Immigration and Nationality Act (the Act) section 245A, 8 U.S.C. § 1255a. The Immigration Reform and Control Act of 1986 created a legalization program under section 245A of the Act, which allows eligible foreign nationals who entered the United States before January 1, 1982, and who continuously resided and were physically present in the United States during specified time periods, to adjust status to temporary residence, if they are admissible to the United States and have not been convicted of a felony or three or more misdemeanors in the United States.

In 2013, the Director, Nebraska Service Center, denied the application and certified the decision to us for review. Specifically, the Director concluded that the Applicant's 1982 departure pursuant to a deportation order disrupted his continuous residence in the United States. We affirmed the Director's decision, concluding that while the Applicant's deportation did not affect the continuity of his residence, the Applicant did not establish eligibility for status as temporary resident because he did not submit independent and objective evidence to resolve his materially inconsistent testimony regarding his residences, employment, and absences from the United States during the requisite period.

In 2015, the Applicant filed a motion to reopen the application. We reviewed the record again to determine whether the matter should be reopened on Service motion. Pursuant to 8 C.F.R. § 103.5(b), we may *sua sponte* reopen or reconsider a decision under section 245A of the Act when it appears that manifest injustice would occur if the prior decision were permitted to stand. *See Matter of O-*, 19 I&N Dec. 871 (Comm'r 1989). We concluded, however, that such reopening was not warranted, as the record did not reveal errors in the adjudication of the Form I-687.

The matter is now before us on a motion to reopen and a motion to reconsider. With the Form I-290B, Notice Appeal or Motion, the Applicant submits a copy of the first page of our decision denying his 2015 motion and copies of the receipt notices issued in connection with his Form I-687, subsequent appeal, and motion.

We will deny the motions.

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On the Form I-290B, Notice of Appeal or Motion, the Applicant indicated that a brief or additional evidence was attached to the Form I-290B; however, no new evidence or brief was attached.

We have not received additional documents related to these motions, nor were any statements made on the Form I-290B regarding the reasons for filing the motions. As noted above, we previously considered reopening our appeal dismissal decision *sua sponte* and found the record did not reveal errors in the adjudication of Form I-687. No purpose would be served by reopening the matter *sua sponte* at this stage, given that no Service error is evident and the Applicant neither supplements the record nor provides a basis for reopening or reconsidering our last decision. For these reasons, the motions will be denied.

ORDER: The motion to reopen is denied.

FURTHER ORDER: The motion to reconsider is denied.

Cite as *Matter of R-D-G-*, ID# 18271 (AAO Sept. 13, 2016)