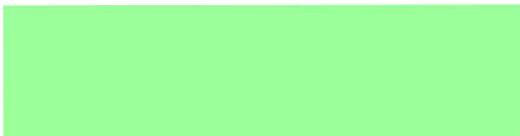


(b)(6)

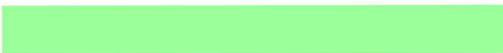


**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals (AAO)  
20 Massachusetts Ave., N.W. MS 2090  
Washington, DC 20529-2090  
**U.S. Citizenship  
and Immigration  
Services**



Date: **DEC 04 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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

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

The director denied the adjustment application for adjustment from temporary to permanent resident status because the applicant was not in temporary resident status, and the applicant was therefore not eligible for adjustment to permanent resident status. According to evidence in the record, the applicant has never been granted temporary resident status.

On appeal, the applicant states that he filed a Form I-687 and obtained a work permit for a few years. The evidence in the record indicates that he filed a Form I-687 to make a claim for class membership, but failed to file an application for temporary resident status.

An alien who has been lawfully admitted for temporary resident status under section 245A of the Act, such status not having been terminated, may apply for adjustment of status of that of an alien lawfully admitted for permanent residence. 8 C.F.R. § 245a.3(b). The applicant has not been lawfully admitted for temporary resident status. There is no indication that the applicant has been approved in United States Citizenship and Immigration Services (USCIS) databases or in his record of proceedings.

According to the record, the applicant was convicted on June 27, 1991 for *using paper as money (passing counterfeit currency)* in violation of 18 U.S.C. § 491(a) in the United States District Court for the District of Nevada. CR-S-91-147-LRL. The Arizona Department of Public Safety charged the applicant with *possession of narcotics for sale* on August 21, 1990. The applicant may be inadmissible as a controlled substance trafficker. See Section 212(a)(2)(C) of the Act, 8 U.S.C. § 1182(a)(2)(C). If he is inadmissible, he is ineligible for permanent resident status. See Section 245A(b)(1)(C), 8 U.S.C. § 1255a(b)(1)(C).

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.