



U.S. Citizenship
and Immigration
Services

(b)(6)

[Redacted]

DATE: **APR 03 2015** Office: LEE'S SUMMIT

FILE: [Redacted]

IN RE: Applicant: [Redacted]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a.

ON BEHALF OF APPLICANT:
[Redacted]

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. If your appeal was dismissed or rejected, 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.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Application for Adjustment from Temporary to Permanent Resident Status was denied by the Director, National Benefits Center, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

On September 13, 2013, 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. On September 5, 2013, the Field Officer Director, Houston, Texas, had terminated the applicant's temporary resident status because the applicant failed to establish that he had entered the United States before January 1, 1982 and lived in unlawful status until he attempted to file a Form I-687, Application for Status as a Temporary Resident.¹

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).

On appeal, the applicant requests an extension of time to supplement the reasons for the appeal subsequent to the receipt of his file pursuant to his Freedom of Information Act (FOIA) request.² The applicant claims that he never received the notice terminating his temporary resident status.

The applicant's assertion, however, is not supported by the record. The evidence of record clearly reflects that the Notice of Termination was sent to the applicant at his address of record via certified mail.³ A U.S. Postal Service tracking receipt indicates the Notice of Termination was delivered to the applicant's address of record on September 13, 2013.

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.

¹ We dismissed the appeal of that decision under separate cover.

² The applicant's FOIA request was closed on August 2, 2014, for failure to comply.

³ The applicant maintains the same address on appeal.