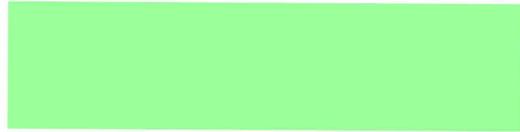


(b)(6)

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

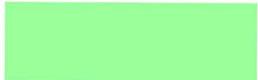


U.S. Citizenship  
and Immigration  
Services

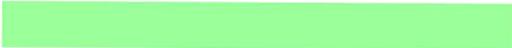


Date: **AUG 13 2014**

Office: HOUSTON

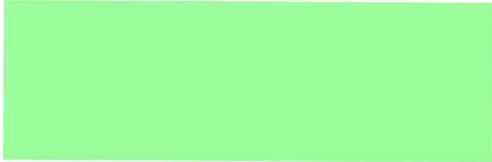
FILE: 

IN RE:

Applicant: 

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

ON BEHALF OF APPLICANT:



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.

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

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The termination of the applicant's temporary resident status by the Director, Houston, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant was granted temporary resident status under section 245A of the Immigration and Nationality Act (Act), as amended, 8 U.S.C. § 1255a. The applicant was required to file an application to adjust status from temporary to permanent resident within forty-three (43) months of receiving his temporary resident status. *See* 8 C.F.R. § 245a.3(b)(1). The applicant timely filed his application to adjust status from temporary to permanent resident; however, the director denied the application, finding the applicant was ineligible due to his failure to demonstrate his understanding of the English language and his knowledge and understanding of the history and government of the United States.

According to section 245A(b)(2)(C) of the Act, 8 U.S.C. § 1255a(b)(2)(C), the [Director of the Department of Homeland Security] shall provide for termination of temporary resident status at the end of the 43<sup>rd</sup> month beginning after the alien is granted such status, unless the alien has filed an application *that has not been denied*. In the instant case, the applicant filed an application for adjustment from temporary to permanent resident status, and it was denied. The AAO dismissed the applicant's appeal of the director's decision.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.