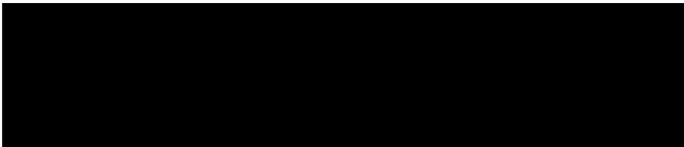




U.S. Citizenship
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prevent clearly unwarranted
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FEB 22 2007

FILE: [REDACTED]
XDA 88 007 7001

Office: TEXAS SERVICE CENTER

Date:

IN RE: Applicant: [REDACTED]

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: SELF-REPRESENTED

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: This termination of temporary resident status by the Director, Texas Service Center is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the temporary resident status of the applicant because the applicant's application for adjustment of status from temporary to permanent residence had been denied, and it had been more than 43 months since the approval of temporary residence.

On appeal, the applicant stated that he never received the notice of termination.¹

Temporary residence shall be terminated at the end of the 43rd month beginning after the date the alien is granted such status, unless the alien has applied for adjustment to permanent residence and such application has not been denied. *See* Section 245A(b)(2)(C) of the Immigration and Nationality Act.

The record reveals that the applicant was granted temporary resident status on January 20, 1989. The applicant filed his Form I-698, Application to Adjust Status from Temporary to Permanent Resident, on September 5, 1991. The applicant failed his basic citizenship skills test during his first interview on May 22, 1996. He was re-scheduled for a second interview on January 22, 1997, for the purpose of re-testing his knowledge of English and United States history. The applicant failed to appear for his interview as scheduled. The director, therefore, denied the application for adjustment from temporary to permanent resident status on July 9, 2001 because the applicant failed to demonstrate basic citizenship skills.

The application for adjustment of status has been denied, and it has been more than 43 months since the grant of temporary residence. Therefore, temporary residence shall be terminated.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility for temporary resident status.

¹ It is noted that the notice of termination was mailed to the applicant at his updated address, [REDACTED] and the applicant filed a timely appeal from the denial decision.