



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

The director terminated the applicant's status because the applicant failed to submit either a Form H-6 or DL 414 from the California Department of Motor Vehicles regarding his three arrests for driving under the influence in July 6, 1987, November 16, 1987 and September 8, 1988.

An alien may appeal a decision to terminate his temporary resident status to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the service center within thirty (30) days after service of the notice of termination. 8 C.F.R. § 245a.2(u)(2)(i). An appeal received after the thirty day period has tolled will not be accepted. 8 C.F.R. § 103.3(a)(3)(iv)(C). Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

The director issued a Notice of Termination on April 20, 1992, and mailed it via certified mail. According to the domestic return receipt contained in the file, the notice was received and signed for on April 21, 1992 at the applicant's address of record. Counsel dated the appeal December 2, 2005, and it was received by the California Service Center on December 7, 2005, over 13 years after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected.