

PUBLIC COPY

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

Identifying data deleted to
prevent clear and unvarnished
invasion of personal privacy

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 MASS, 3/F
Washington, D.C. 20536



AUG 08 2003

FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE:

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: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish continuous residence in the United States from January 1, 1982 through April 1984.

An adverse decision on an application for temporary resident status may be appealed to the Associate Commissioner, Examinations (Administrative Appeals Office). Any appeal with the required fee shall be filed with the Regional Processing Facility (Service Center) within thirty (30) days after service of the notice of denial. An appeal received after the thirty day period has tolled will not be accepted. 8 C.F.R. § 245a.2(p).

The director issued the Notice of Denial on December 7, 1992, and mailed it to the applicant's address of record. The record contains the notice which was returned to the Bureau by the U.S. Postal Service marked "Unclaimed." The notice was sent to the applicant's address of record. Consequently, the applicant's failure to receive the notice was of his own making. The appeal was received on August 23, 2002. Therefore, the appeal was untimely filed, and must be dismissed.

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