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

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

File:

Office: Nebraska Service Center

Date: 11/18/2003

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.

PUBLIC COPY

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.

for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the District Director, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish entry into the United States prior to January 1, 1982 and continuous residence since such date. The district director based this conclusion on the fact that the applicant signed a statement during the course of her legalization interview in which she admitted that she began residing in the United States in November 1983.

An adverse decision on an application for temporary resident status may be appealed to the AAO. Any appeal with the required fee shall be filed with the 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 Notice of Denial was issued by the Service (now the Bureau) on October 21, 1988, the date the applicant appeared for her legalization interview. The applicant was provided a copy of this notice at the conclusion of her interview. The appeal was received by the Bureau on June 9, 2003. The appeal was untimely filed and, therefore, must be dismissed.

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