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U.S. Citizenship  
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LI

FILE: [REDACTED]  
XDA 88 003 05031

Office: TEXAS SERVICE CENTER Date: DEC 01 2006

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:  
[REDACTED]

**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. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The director denied the application because the applicant failed to submit sufficient evidence to establish that he entered the United States prior to January 1, 1982.

An adverse decision on an application for adjustment to permanent resident status may be appealed to the Administrative Appeals Office. Any appeal shall be submitted to the service center with the required fee 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. The thirty-day period for submitting an appeal begins three days after the notice of denial is mailed. 8 C.F.R. § 245a.3(j).

The director issued the Notice of Denial on October 20, 1989, and mailed it to the applicant's address of record. The appeal was received on March 14, 1997. Therefore, the appeal was untimely filed, and must be rejected.

The record reflects that the applicant has the following criminal conviction:

- A January 25, 1994 conviction for illegal entry in the United States District Court for the Western District of Texas, in violation of 8 U.S.C. § 1325, case number [REDACTED]. The applicant was sentenced to 180 days imprisonment.

The legacy INS received the results of the alien's FBI fingerprint check, which reveal that the applicant has the following criminal history:

- A July 29, 1985 arrest by the Mesquite Police Department for Public Intoxication.
- A January 13, 1986 arrest in Dallas for Driving Under Influence Liquor.
- A November 21, 1986 arrest in Dallas for Assault.
- A February 22, 1991 conviction for driving under the influence of alcohol/drugs in DeKalb County (Georgia) State Court, case number [REDACTED]. The applicant was sentenced to 21 days confinement, a \$600 fine, probation for 12 months, and 32 hours community service.

The record does not reveal the disposition of all of these offenses. Therefore, the record is insufficient to establish whether the applicant has been convicted of three or more misdemeanors and therefore inadmissible into the United States pursuant to 8 C.F.R. § 245a.18(a).

**ORDER:** The appeal is rejected.