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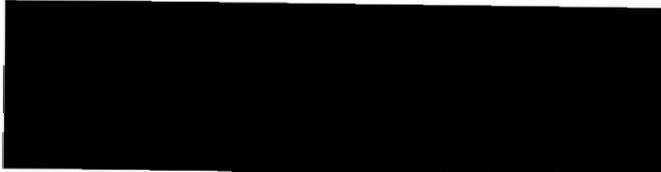
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, D.C. 20529



U.S. Citizenship and Immigration Services

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FILE:

XTO 88 037 03067

Office: CALIFORNIA SERVICE CENTER

Date: NOV 03 2006

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:

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, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director noted that the record reflected that the applicant was arrested and charged with two felony offenses in the State of California: burglary, in violation of California Penal Code 459; and receiving stolen property, in violation of California Penal Code 496. The applicant failed to submit certified copies of the court dispositions of these offenses as requested by the service center. The director therefore denied the application because the applicant failed to assist in verifying information necessary to complete adjudication of his application.<sup>1</sup> 8 C.F.R. § 245a.2(k)(5).

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 January 17, 1990 and mailed it to the applicant's address of record. The appeal was received on March 1, 1990, 43 days after the director issued his decision. Therefore, the appeal was untimely filed, and must be rejected.

In addition to the offenses noted above, the record also reflects that the applicant was arrested and charged by the Inglewood, California Police Department on August 11, 1989 with misdemeanor hit and run resulting in property damage, case number [REDACTED] by the Los Angeles, California Police Department on April 22, 1993 with a felony offense of assault with a deadly weapon (no firearms) which could cause great bodily injury, case number [REDACTED] and by the Inglewood Police Department on March 24, 1999 with a felony offense of sexual battery, case number [REDACTED]. The record does not contain the final disposition of these offenses, which, if resulted in conviction, the felony charges would make the applicant ineligible for adjustment to permanent resident status pursuant to the LIFE Act.. 8 C.F.R. § 245a.2(c)(1). The record also reflects an additional arrest for battery on a person, case number 89773. No formal charges were brought for this offense.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The record contains an I-694 signed by [REDACTED] as attorney for the applicant. However, the record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing Mr. [REDACTED] to act on behalf of the applicant, and Mr. [REDACTED] did not respond to a request from the Administrative Appeals Office to submit a properly executed G-28.