

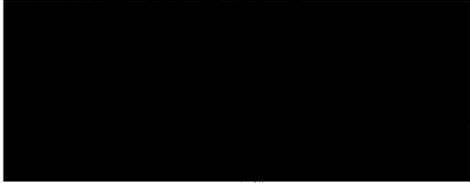


U.S. Citizenship  
and Immigration  
Services

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FILE:



MSC 05 230 30634

Office: NATIONAL BENEFITS CENTER

Date: NOV 28 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The district director denied the application because the applicant had failed to establish continuous residence and physical presence in the United States during the requisite period.

An adverse decision on an application for temporary 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. *See* 8 C.F.R. § 245a.2(p). 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 regulation at 8 C.F.R. § 103.2(a)(1) provides, in part, that “[e]very application, petition, appeal, motion, request ... shall be executed and filed in accordance with the instructions on the form, such instructions ... being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.” An applicant or petitioner must sign his or her application or petition. 8 C.F.R. § 103.2(a)(2).

The director issued a Notice of Denial on March 22, 2006, and mailed it to the applicant's address of record. The appeal was initially received on April 25, 2006; however, it was rejected as the applicant failed to sign it. The appeal with signature was received by the Missouri Service Center on May 22, 2006, two months days after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected.