

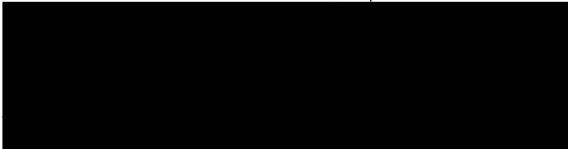
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U.S. Department of Homeland Security
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U.S. Citizenship
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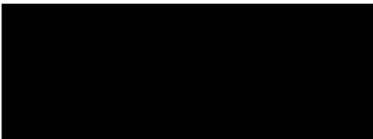
FILE: [REDACTED]
XCO 88 163 01075

Office: TEXAS SERVICE CENTER Date: **NOV 28 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:



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

The director denied the application because failed to appear for his scheduled interview on three separate occasions.

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 director issued a Notice of Denial on February 12, 1992, and mailed it to the applicant's address of record. The appeal was initially received in 2005; however, it was rejected as the appeal form was obsolete and had been replaced with a newer version. The appeal was properly received by the Texas Service Center on April 3, 2006, over 14 years after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.