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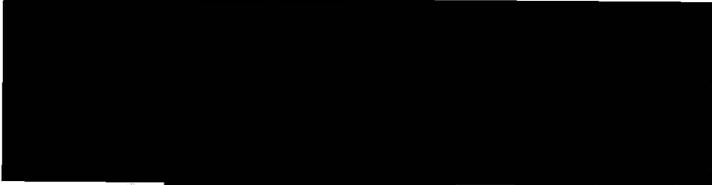
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: OCT 04 2006

XLS 88 189 02050.

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:



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, Northern Regional Processing Facility, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director determined that the applicant was in a lawful status as a F-1 nonimmigrant student from September 10, 1978 through July 4, 1982, and the applicant had failed to establish that his *unlawful status* was known to the government prior to January 1, 1982. Accordingly, the director denied the application.

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 record reflects that the director sent his decision of August 11, 1989 to the applicant at his address of record. The notice was returned by the post office as undeliverable. It is noted that the applicant did not submit a Form I-697A, Change of Address Card, until November 1989. Therefore, the applicant's failure to receive the Notice of Decision was of his own making. The Northern Service Center received the appeal on July 12, 1991, over 23 months after the decision was issued. The appeal was untimely filed and, therefore, must be rejected.

ORDER: The appeal is rejected.