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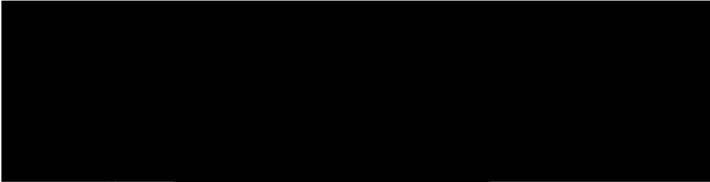
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



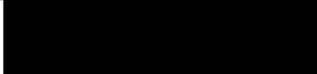
U.S. Citizenship
and Immigration
Services

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FILE:



XMA 88 156 08105

Office: VERMONT SERVICE CENTER

Date: OCT 04 2008

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, Eastern Regional Processing Facility, 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 the requested court disposition regarding his September 23, 1975 arrest for theft of service.

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 regulation at 8 C.F.R. § 103.2(a)(7)(i) provides that an application or petition that is submitted with the wrong filing fee shall be rejected as improperly filed.

The director issued a Notice of Denial on October 18, 1989, and mailed it to the applicant's address of record. The applicant dated the appeal September 10, 2004, and it was initially received by the Vermont Service Center on September 15, 2004. The appeal, however, was rejected because the applicant submitted an incorrect fee. The appeal was filed with the correct fee of \$105.00¹ on November 5, 2004, 13 years after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.

¹ Effective April 30, 2004, the filing fee for Form I-694 was \$105.00. *See* 69 Fed. Reg. 20528, 20532 (April 15, 2004). Effective October 26, 2005, the filing fee for Form I-694 is now \$110. *See* 70 Fed. Reg. 56182, 56184 (Sept. 26, 2005).