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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

XLB 88 016 02031

Office: CALIFORNIA SERVICE CENTER

Date: OCT 05 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 Director, California Service Center denied the application for temporary resident status on January 8, 1993. On appeal, the Administrative Appeals Office (AAO) remanded the record for inclusion of the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act. The matter is again before the AAO as a complete record of proceeding. The appeal will be rejected.

The director denied the application because the applicant failed to establish that she had resided continuously in the United States since prior to January 1, 1982. This decision was based on the director's conclusion that the applicant had exceeded the forty-five (45) day limit for a single absence from the United States during this period, as well as the aggregate limit of one hundred and eighty (180) days for total absences, from the United States during this period, as set forth in 8 C.F.R. § 245a.1(c)(i).

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 8, 1993, and mailed it to the applicant's address of record. The appeal was received by the service center on March 2, 1993, 53 days after the decision was issued. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.