

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

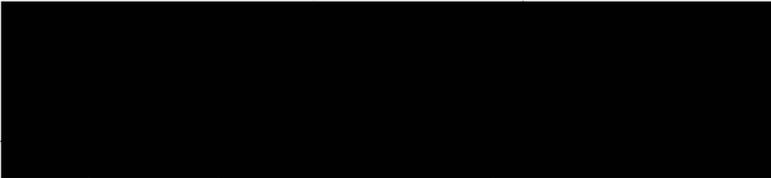
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship and Immigration Services

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FILE: [Redacted]
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Office: VERMONT SERVICE CENTER

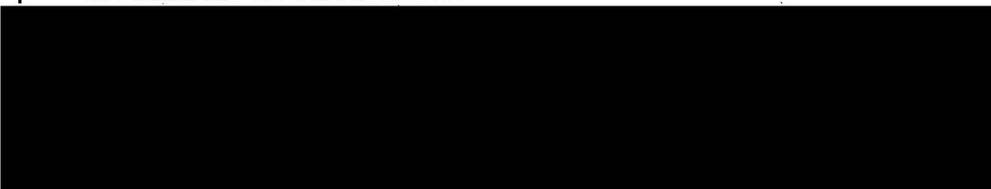
Date: OCT 05 2006

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:



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, Vermont Service Center, 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 appear for a scheduled interview and therefore failed to assist in verifying evidence necessary to adjudicate his application. The applicant's motion to reconsider, filed on Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, was forwarded to the AAO pursuant to 8 C.F.R. § 103.3(a)(2)(iv).

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 October 20, 1989, and mailed it to the applicant's address of record. The appeal was received on November 20, 2000. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.