

**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, DC 20529



U.S. Citizenship  
and Immigration  
Services

L 1

**PUBLIC COPY**



FILE:

XLA 88 506 1017

Office: CALIFORNIA SERVICE CENTER

Date: SEP 06 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. The file has been returned to the service center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant had not established that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

An adverse decision on an application for temporary resident status may be appealed to the AAO. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of decision in accordance with the procedures of 8 C.F.R. § 103.3(a). An appeal received after the 30-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 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 Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) issued the notice of denial on August 3, 1992, and mailed a copy of this notice to the applicant at her address of record. The record shows that the Service's notice was returned by the United States Postal Service marked as "not deliverable as addressed unable to forward," and with the handwritten notation "moved." According to CIS records, the applicant filed an appeal on May 4, 2001, more than eight years and nine months after the decision was issued. The record further shows that the applicant's failure to receive the notice of denial from the Service was clearly of her own making as she failed to report any change in her address of record prior to the receipt of her appeal on this date. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.