

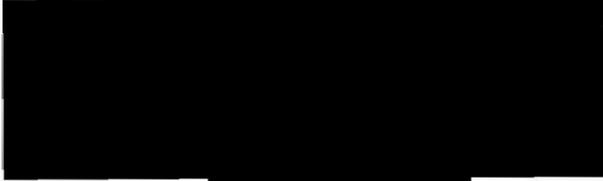
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date: SEP 14 2006

XDA 88 019 8076

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.

for
Robert P. Wiemann, Chief
Administrative Appeals Office

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

The director denied the application after determining that the applicant had not filed a complete application as required by 8 C.F.R. § 245a.2(d), and had not appeared on two occasions for the requisite interview pursuant to 8 C.F.R. § 245a.2(j).

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 July 17, 1991, and mailed a copy of this notice to the applicant at his address of record. The record shows that the Service's notice was returned by the United States Postal Service (U.S.P.S.) marked as "attempted, not known." The record shows that the applicant failed to inform the Service of any change in his address of record prior to the receipt of a letter of inquiry submitted on his behalf on November 27, 1991. According to Service records, the applicant filed an appeal on November 21, 1995, more than four years and four months after the decision was issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.