

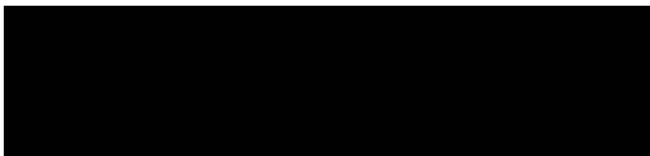
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529

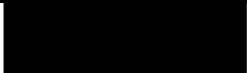


U.S. Citizenship  
and Immigration  
Services

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FILE:



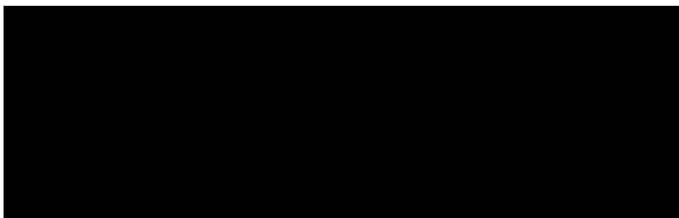
XWP 88 074 2019

Office: TEXAS SERVICE CENTER

Date: SEP 27 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 termination of temporary resident status the Director, Southern Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status pursuant to section 8 C.F.R. § 245a.2(u)(1)(iii) because he had been convicted of three or more misdemeanors in the United States. *See* section 245A(a)(4)(B) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(4)(B). The director further determined that the applicant was inadmissible to the United States pursuant to section 212(a)(9) of the Act, 8 U.S.C. § 1182(a)(9) [subsequently renumbered as section 212(a)(2)(A)(i)(I), 8 U.S.C. § 1182(a)(2)(A)(i)(I)] because he had been convicted of a crime involving moral turpitude and no waiver for such a ground of inadmissibility was available under 8 C.F.R. § 245a.2(k)(3).

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 termination on December 3, 1996, and mailed a copy of this notice to the applicant at his address of record. The record contains a signed postal return receipt acknowledging the receipt of the notice at this address. The appeal Form I-694 was filed 50 days later on January 22, 1997. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.