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U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
XPH 93 050 0248

Office: CALIFORNIA SERVICE CENTER

Date: AUG 08 2007

IN RE:

Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under 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. 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Western Service Center denied the application for adjustment to permanent resident status. The matter is now before the Administrative Appeals Office (AAO). The appeal will be rejected.

The director denied the application based on the applicant's failure to submit the requested documentation with the final court dispositions for his arrests in 1971 and 1972.

An adverse decision on an application for adjustment from temporary to permanent resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the Service Center 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. *See* 8 C.F.R. § 245a.3(j). 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 director issued the notice of denial on May 5, 1994 and mailed it to the applicant's address of record. The denial was returned to the Service Center unclaimed after two delivery attempts had been made. The appeal was received on June 2, 2006. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.