

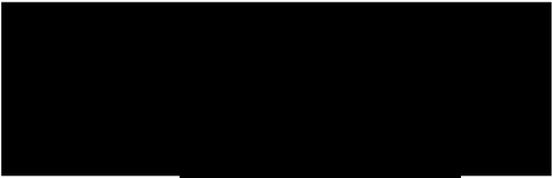
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U.S. Citizenship
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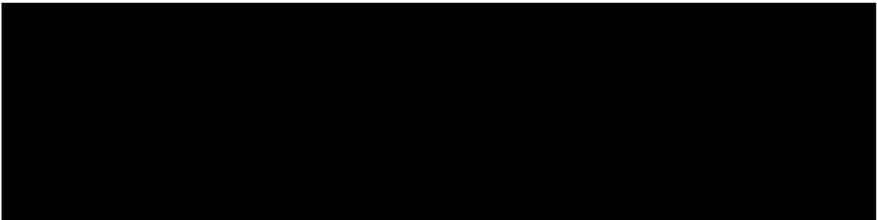


FILE: [Redacted]
XTO 88 512 3122

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 13 2007**

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

The director denied the application based on the determination that the applicant failed to respond to the notice of intent to deny in which the applicant was asked to provide additional evidence to establish his continuous residence in the United States during the requisite time period.

An adverse decision on an application for temporary 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. 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). An appeal received after the thirty-day period has tolled will not be accepted. *See* 8 C.F.R. § 245a.2(p).

The director issued the notice of denial on March 9, 1992 and mailed it to the applicant's address of record. The record contains no evidence that the applicant informed Citizenship and Immigration Services of any changes in his address prior to the issuance of the notice of denial. The appeal was received on February 16, 2006. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.