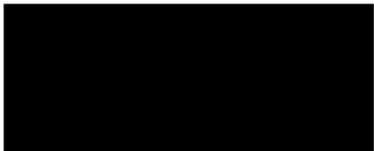




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



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FILE:



Office: CALIFORNIA SERVICE CENTER

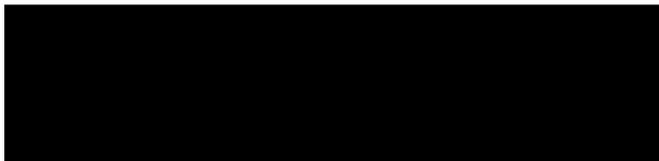
Date:

AUG 13 2007

XLA 88 023 3110

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 termination of the applicant's temporary resident status by the Director, California Service Center is before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status based on the determination that the applicant failed to file the application for adjustment of status from temporary to permanent residence within the 43-month application period.

An adverse decision regarding 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 termination. An appeal received after the thirty-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 director issued the notice of termination on January 20, 1999 and mailed it to the applicant's address of record. There is no evidence that the applicant notified Citizenship and Immigration Services of any changes in her address. In fact, the record shows that the applicant supplemented the record with additional documents in April 1998. This documentation was submitted in an envelope date stamped April 7, 1998 with the applicant's return address the same as the address where the notice of termination was mail. The appeal was received on October 15, 2004, more than five years after the notice of termination was issued.

The AAO further notes for the record that pursuant to 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

In the present matter, the applicant submitted an appeal Form I-694 containing her name and address. However, she failed to cite the reason for her appeal or to address the grounds stated for termination. Therefore, even if the appeal had been timely filed, it would have been summarily dismissed. Regardless, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.