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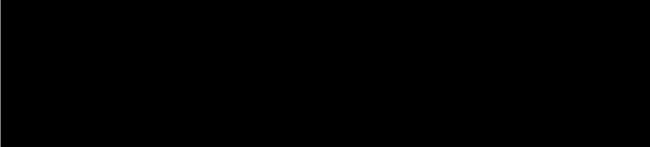
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



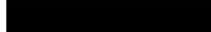
U.S. Citizenship
and Immigration
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date: FEB 22 2007

XHU 88 180 4082

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:



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, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant failed to appear for two scheduled legalization interviews.

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 Citizenship and Immigration Services (CIS) 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.2(p).

The director issued the notice of denial on November 21, 1989. The record shows that all notices, including the notice of denial and at least two interview notices, were sent to the applicant's last known address of record. There is no indication that the applicant notified CIS of an address change during the 18-month period between the filing of the application for adjustment of status to that of a temporary resident and the date the denial notice was issued. The appeal was received on March 3, 1995. It is noted that CIS complied with counsel's Freedom of Information Act request on April 3, 1995.

Additionally, although not discussed in the director's denial, the record shows that the applicant appeared for another legalization interview on September 13, 1995, where the interviewing officer recommended denial of the application. Regardless, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.