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**U.S. Citizenship  
and Immigration  
Services**

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FILE: [REDACTED]  
XTO 88 505 2105

Office: CALIFORNIA SERVICE CENTER

Date: JUL 11 2007

IN RE: Applicant: [REDACTED]

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 Regional Processing Facility. The appeal will be rejected.

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

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 September 22, 1989 and mailed it to the applicant's last known address of record.<sup>1</sup> The appeal was received on or about March 10, 1994. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected.

NXT:07/10/07

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<sup>1</sup> The record shows that the applicant notified legacy Immigration and Naturalization Service of an address change on or about March 13, 1992, approximately two and a half years after the notice of denial was issued.