



U.S. Citizenship  
and Immigration  
Services

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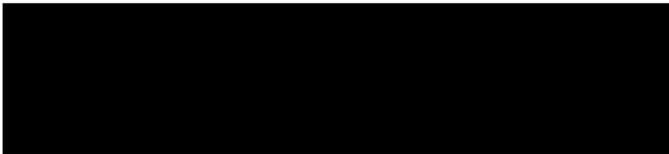
Office: NEBRASKA SERVICE CENTER

Date: **JUL 31 2007**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 210 of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

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 Director, Northern Regional Processing Facility, denied the application for temporary resident status as a special agricultural worker. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

Whenever an application for special agricultural worker status is denied or the status of a lawful temporary resident is terminated, the alien shall be given written notice setting forth the specific reasons for the denial on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within **30 days** following service of the notification of decision. 8 C.F.R. § 103.3(a)(3)(i). An appeal received after the thirty (30) day period has tolled will not be accepted for processing. 8 C.F.R. § 103.3(a)(3)(iv). Form I-694, Notice of Appeal, shall be used to file the appeal and must be accompanied by the appropriate fee. 8 C.F.R. § 103.3(a)(3)(ii). Whenever a person has the right or is required to do some act within a prescribed period after the service of a 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 record indicates that the director issued the decision on November 6, 1989. The notice was mailed to the applicant's most current address at that time, [REDACTED] Chicago, IL 60647," but was returned to the Nebraska Service Center as unclaimed mail.

On December 5, 1990, the Service received correspondence from the applicant inquiring about the status of her case and reporting a change of address. The applicant stated that she had been told at the local Service office that her case had been denied, but she never received the denial decision. The director, in response, mailed an informational copy of the denial decision to the applicant at her updated address on January 3, 1991. The applicant's appeal from the denial decision was not received until April 27, 1998, nine years after the issuance of the denial decision. The appeal was untimely filed and, therefore, must be rejected.

**ORDER:** The appeal is rejected.