



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date: JUN 14 2007

XSN 88 140 1093

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:** This matter is an application for temporary resident status denied by the Director, Southern Regional Processing Facility, which is before the Legalization Appeals Office (AAO) on appeal. The appeal will be rejected. The AAO will return the matter for further action by the director.

The director denied the application based on the determination that the applicant failed to do the following: 1) provide a complete Form I-687 application; 2) provide documentary evidence in support of application for temporary residence, including proof of identify, proof of residence, proof of financial responsibility, photographs, fingerprint card and a completed medical report of examination; and 3) appear at any of the three interviews scheduled with a service 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. An appeal received after the thirty-day period has tolled will not be accepted. 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 denial on November 20, 1989. The appeal was received on August 3, 1992. Therefore, the appeal was untimely filed, and must be rejected.

It is noted, however, that the matter appears to have been reopened, as suggested by the newly scheduled interview dates and the applicant's further submission of evidence. The record does not contain a new decision analyzing the additional evidence or the results of the interview.

Pursuant to 8 C.F.R. § 245a.2(q), the director may *sua sponte* reopen any adverse decision. Accordingly, the director is hereby instructed to review the record in its entirety and enter a new decision regarding the applicant's Form I-687, application for temporary resident status. If the director determines that a denial is warranted, the applicant may appeal the adverse decision by filing a new appeal and submitting the appropriate fee.

**ORDER:** The appeal is rejected as untimely filed.