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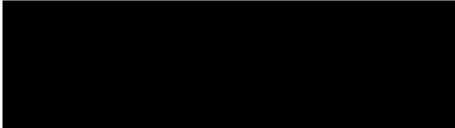
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship and Immigration Services

41

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FILE: [Redacted]
XEM 88 504 7150

Office: CALIFORNIA SERVICE CENTER

Date: MAR 13 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 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, California Service Center. On appeal, the Administrative Appeals Office (AAO) remanded the case for processing under *Proyecto San Pablo v. INS*, No. [REDACTED]. The director notified the applicant of the Proyecto criteria for reopening but no response was received within one year of the notice. The appeal will be rejected.

The applicant was deported on June 20, 1985. The director noted the applicant was outside of the United States under an order of deportation after January 1, 1982, and, denied the application because the applicant did not reside continuously in the United States since such date.

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. The 30-day period for submitting an appeal begins 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1) 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 March 11, 1999, and mailed it to the applicant's address of record. The appeal was received on May 18, 1999, more than two months after the issuance of the denial decision. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.