



U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy

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[Redacted]

FILE: [Redacted]  
XDA 88 015 3070

Office: TEXAS SERVICE CENTER

Date: NOV 14 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:

[Redacted]

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 F. 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 establish that he resided continuously in the United States in an unlawful status from prior to January 1, 1982 through May 4, 1988.

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 August 4, 1993, and mailed it to the applicant's address of record. The appeal was initially received on September 7, 1993, but was rejected and returned to the applicant for the filing fee of \$50.00. The appeal was not received with the correct filing fee until October 18, 1993, 71 days after the issuance of the denial decision. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected.