



U.S. Citizenship  
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[REDACTED]

FILE: [REDACTED]  
XBT 91 020 03022

Office: PROVIDENCE

Date: **OCT 05 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 the matter 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.

*Michael T. Kelly*  
1a Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the District Director, Boston, Massachusetts, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director determined that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that he attempted to file a Form I-687, Application for Status as a Temporary Resident, with the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS), that he was continuously present in the United States since November 6, 1986 through the date he attempted to file the Form I-687 application, or that he was admissible into the United States.

An adverse decision on an application for status as a temporary resident status may be appealed to the AAO. Any appeal shall be submitted to the office rendering the adverse decision with the required fee 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. The thirty-day period for submitting an appeal begins three days after the notice of denial is mailed. 8 C.F.R. § 245a.2(p).

The director issued the Notice of Denial on June 28, 2006 and mailed it to the applicant and counsel at their addresses of record. The appeal was received on August 2, 2006, 35 days after the director issued his decision. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected.