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U.S. Citizenship
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Services

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FILE:

MSC-05-025-10424

Office: LOS ANGELES

OCT 26 2007
Date:

IN RE:

Applicant:

APPLICATION:

Application for Temporary Resident Status under 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 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 application for temporary resident status was denied by the Director, Los Angeles District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because she found the applicant was statutorily ineligible for temporary residence. Specifically, the applicant stated under oath that she entered the United States on January 12, 1982. In addition, the applicant provided conflicting statements in support of her application.

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 or termination. An appeal received after the thirty-day period has tolled will not be accepted. *See* 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 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 reflects that the director sent her decision of October 3, 2005 to the applicant at her address of record.

The Form I-694 appeal was initially submitted on November 8, 2005 but was rejected because it did not contain the applicant's signature and the correct fee was not included. The appeal was resubmitted on February 13, 2006 but was rejected because the check amount was incorrect or no check was provided. The appeal was properly submitted on March 2, 2006, five months after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected as untimely filed.