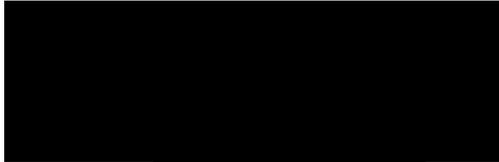


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LI

FILE: [REDACTED]
MSC-05-314-15489

Office: LOS ANGELES

Date: SEP 24 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. The file has 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director of the Los Angeles Los Angeles District Office and that decision is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because she determined that the applicant did not establish, by a preponderance of the evidence, that she maintained continuous residence in the United States from January 1, 1982 to a period of time between May 5, 1987 and May 4, 1988. The director noted that the applicant was inconsistent regarding whether she attempted to apply for legalization during the initial filing period at the time of her interview. The director also stated in her decision that at the time of the applicant's interview with a CIS officer, she testified that she had lived at residences during the requisite period that were not consistent with what she showed on her Form I-687. The director further noted that the applicant's testimony during her interview regarding the dates and locations of her addresses of residence in the United States during the requisite period conflicted with testimony in affidavits she submitted in support of her application. Therefore, as the director found this indicated that applicant had not established, by a preponderance of the evidence, that she continuously resided in the United States for the duration of the requisite period, the director denied the applicant's Application for Status as a Temporary Resident.

In this case, the director adjudicated the Form I-687 application on the merits. As a result, the director is found not to have denied the application for class membership.

An adverse decision regarding 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. *See* 8 C.F.R. § 245a.2(p). Pursuant to 8 C.F.R. § 103.5a(b), 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. If the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, nor a legal holiday. 8 C.F.R. § 1.1(h).

The director issued her decision on March 9, 2006, and mailed it to the applicant's address of record. The applicant's appeal was received Wednesday, April 12, 2006, thirty-four (34) days after the notice of decision was issued. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.