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U.S. Citizenship  
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FILE:

XSF-88-513-02065

Office: CALIFORNIA SERVICE CENTER

Date:

APR 09 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the office that originally decided your case. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The termination of the applicant's temporary resident status by the Director, California Service Center, is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

On December 14, 2006, the director issued a decision terminating the applicant's temporary resident status because the director obtained court records indicating that the applicant was convicted of four misdemeanor offenses. On October 27, 2006, the director issued a Notice of Intent to Terminate informing the applicant of the adverse evidence and granting the applicant thirty (30) days in which to submit evidence in rebuttal to the proposed termination of his temporary resident status. The director noted in her decision to terminate that, as of the date of the decision, the applicant has not provided any documentation to overcome the evidence that he had been convicted of more than three misdemeanor offenses and was, therefore, inadmissible to the United States.

A decision to terminate temporary resident status may be appealed to the AAO; the appeal with the required fee must be filed within thirty (30) days after service of the notice of termination. 8 C.F.R. § 245a.2(u). If the decision was mailed, the applicant is afforded an additional three (3) days, and the appeal must be filed within thirty-three (33) days. 8 C.F.R. § 103.5a(b). The date of filing of the appeal is the date of actual receipt by a Service office. 8 C.F.R. § 103.2(a)(7)(i). An appeal that is not timely filed will not be accepted. 8 C.F.R. § 245a.2(p).

The record reflects that the director's December 14, 2006 decision was mailed to the applicant at his address of record. The Form I-694 appeal was submitted on January 18, 2007, 35 days after the director's decision was mailed. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected as untimely filed.