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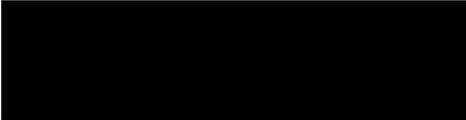
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
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U.S. Citizenship  
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FILE: [REDACTED]  
MSC 05 208 10224

Office: LOS ANGELES

Date: **NOV 03 2008**

IN RE: Applicant: [REDACTED]

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:



**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office on your appeal. If your appeal was dismissed or rejected, your file has been sent to the National Benefits Center. You no longer have a case pending before this office. If your appeal was sustained or the matter was remanded for further action, your file has been returned to the office that originally decided your case, and you will be contacted. You are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in cursive script that reads "John H. Vaughan".

for  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The director in Los Angeles denied the application for temporary resident status filed pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) on January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) on February 17, 2004 (CSS/Newman Settlement Agreements). The application is now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected as untimely filed.

The director denied the application because the applicant failed to establish his continuous unlawful residence in the United States for the requisite period.

An adverse decision on an application for temporary resident status may be appealed to the AAO; the appeal with the required fee must be filed within 30 days after service of the notice of denial. *See* 8 C.F.R. § 245a.2(p). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i). An appeal that is not timely filed will not be accepted. *See* 8 C.F.R. § 245a.2(p).

In this case, the director issued the notice of denial on June 9, 2006, and mailed it to the applicant's address of record. The appeal was received on August 17, 2006 – 69 days later.<sup>1</sup> Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> While the applicant's Form I-694 (Notice of Appeal) was initially received at the district office on July 3, 2006 (within the 30-day appeal period), the record indicates that it was rejected and returned on July 5, 2006, because it did not comply with the requirements for an appeal. Specifically, it did not identify the receipt number associated with the decision (MSC 05 208 10224), which appeared on the Notice of Decision. By the time the applicant resubmitted an appeal that met the foregoing requirement, the 30-day filing period had elapsed.