

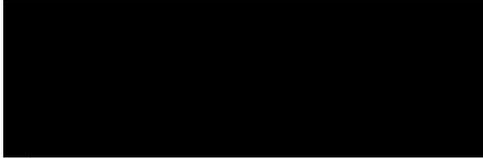
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: HOUSTON

Date:

JUL 12 2005

IN RE:

Applicant:



APPLICATION:

Application for Adjustment from Temporary to Permanent 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 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, Director
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the District Director, Houston, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant had been convicted of three misdemeanors, and supposedly had not submitted evidence to rebut a notice of intent to deny.

An adverse decision on an application for adjustment to permanent resident status may be appealed to the Administrative Appeals Office. Any appeal shall be submitted 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.3(j).

The director issued the notice of denial on February 16, 2005, and mailed it to the applicant's address of record. The appeal was first received on March 18, 2005, 30 days after the issuance of the notice of decision. However, the appeal was not signed, and it was sent back to the applicant in care of counsel on March 21, 2005 for the required signature. The signed appeal was returned to the director on March 24, 2005, 36 days after the notice of denial, and three days after the thirty-day appeal period ended. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.