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U.S. Citizenship  
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Services

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FILE: [REDACTED]  
XHO 88 124 1693

Office: CALIFORNIA SERVICE CENTER

Date: AUG 31 2006

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 service center that processed 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, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant had not filed a complete application as required by 8 C.F.R. § 245a.2(d).

An adverse decision on an application for temporary resident status may be appealed to the AAO. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of decision in accordance with the procedures of 8 C.F.R. § 103.3(a). An appeal received after the 30-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 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 Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) issued the notice of denial on March 19, 1993, and mailed a copy of this notice to the applicant at his address of record. The record contains a postal return receipt that was signed by the applicant on March 29, 1993 specifically acknowledging his receipt of the notice of denial. According to CIS records, the applicant filed an appeal on March 23, 2001, more than eight years after the decision was issued. Although the applicant claims that he never received the notice of denial on appeal, his claim is directly contradicted by the fact that the record contains the signed postal return receipt acknowledging his receipt of this notice. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.