



U.S. Citizenship  
and Immigration  
Services

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LA

FILE:



XHU 88 157 5065

Office: TEXAS SERVICE CENTER

Date: MAR 22 2007

IN RE:

Applicant:



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:



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.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Southern Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant failed to report for three scheduled legalization interviews. The director also denied the application because the applicant failed to submit a complete application including all required supporting documentation.

An adverse decision on an application for 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. The 30-day period for submitting an appeal begins 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1) An appeal received after the thirty-day period has tolled will not be accepted. See 8 C.F.R. § 245a.2(p).

The director issued the notice of denial on May 12, 1993, and mailed it to the applicant's address of record. The applicant's appeal from the denial decision was not received by the Immigration and Naturalization Service, now Citizenship and Immigration Services, until February 1, 1997. Therefore, the appeal was untimely filed, and must be rejected.

It is noted that the applicant has a pending Form I-687, Application for Status as a Temporary Resident Status, filed pursuant to the terms of the CSS/Newman Settlement with the Missouri Service Center on April 19, 2005, under receipt number MSC 05 201 14574.

**ORDER:** The appeal is rejected.