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U.S. Citizenship  
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FILE:

Office: NEBRASKA SERVICE CENTER

Date: FEB 21 2006

IN RE:

Applicant:

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 210 of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

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, Director  
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the District Director, Denver, Colorado, reopened and again denied by the Director, Northern Regional Processing Facility. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The facility director denied the application because the applicant failed to appear and file a completed Special Agricultural Worker application Form I-700.

Whenever an application for special agricultural worker status is denied or the status of a lawful temporary resident is terminated, the alien shall be given written notice setting forth the specific reasons for the denial on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within **30 days** following the service of the notification of decision. 8 C.F.R. § 103.3(a)(3)(i). An appeal received after the thirty (30) day period has tolled will not be accepted for processing. 8 C.F.R. § 103.3(a)(3)(iv). Form I-694, Notice of Appeal, shall be used to file the appeal and must be accompanied by the appropriate fee. 8 C.F.R. § 103.3(a)(3)(ii). Whenever a person has the right to or is required to do some act within the prescribed period after the service of a 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 facility director issued the Notice of Decision on September 5, 1990, and sent it to the applicant's address of record via certified mail. The record contains no evidence that the applicant failed to receive the notice. The appeal was not received until September 11, 1992. The appeal was untimely filed and, therefore, must be rejected.

**ORDER:** The appeal is rejected.