U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

[redacted]

JUN 8 2004

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date:

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, Director
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the Director, California Service Center, is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status pursuant to 8 C.F.R. § 245a.2(u)(1)(i) and (ii), because the applicant had been convicted of two felonies and was statutorily ineligible to adjust status under 8 C.F.R § 245a.2(c)(1).

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 denial. An appeal received after the thirty day period has tolled will not be accepted. The thirty day period includes any time required for service or receipt of mail. 8 C.F.R. § 245a.2(p).

The Notice of Termination was mailed by the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) on June 3, 1991, to the applicant's address of record. The record contains a certified mail return receipt signed by the applicant on June 7, 1991, acknowledging his receipt of the decision. The appeal was initially received on June 17, 1991, but without the requisite $50.00 fee. The appeal, with the proper and full fee, was subsequently received on August 16, 1991. The appeal was untimely filed, and therefore must be dismissed.

ORDER: The appeal is rejected as untimely filed.