U.S. Department of Homeland Security
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Washington, DC 20536

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: MAR 18 2004

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:

[redacted]

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 the matter 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 was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to submit requested documentation establishing continuous residence in the United States since prior to January 1, 1982.

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. 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 November 6, 1996, and mailed it to the applicant's most current address of record. The notice was returned to Citizenship and Immigration Services (CIS) by the U.S. Postal Service, which stamped the envelope "Returned to Sender; Attempted, Not Known." There is no evidence in the record, however, that the applicant attempted to notify CIS of any change of address prior to the issuance of the decision. As such, the applicant's failure to receive the notice must be deemed to be of his own making. The appeal was not received until May 2, 2003. Therefore, the appeal was untimely filed, and must be dismissed.

ORDER: The appeal is dismissed. This constitutes a final notice of ineligibility.