U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

MAY 27 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 because the applicant failed to file the application for adjustment of status from temporary to permanent residence within the 43-month application period.

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 appropriate 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 issued on March 8 2002, and mailed to the applicant's most current address of record. The record contains a certified mail return receipt signed by the applicant and dated March 13, 2002, acknowledging her receipt of the decision. The appeal was initially received on June 12, 2002, but without the fee in the proper format. The appeal, including the fee in the correct and proper format, was subsequently received on July 2, 2002. It is noted that even if the applicant had included the fee in a proper format with the initial filing of her appeal on June 12, 2002, such filing would have also been considered as untimely. The appeal was untimely filed, and therefore must be rejected.

ORDER: The appeal is rejected.