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

U.S. Citizenship and Immigration Services

[redacted]

L 1

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: JAN 03 2005

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. 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.

Ellen C. Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

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

The director terminated the applicant's status because of his criminal record.

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 Termination on February 18, 1993, and mailed it to the applicant's address of record. The postal receipt in the record demonstrates the applicant signed for the notice the next day. The appeal was received on December 10, 2003. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.