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**U.S. Citizenship
and Immigration
Services**

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FILE:



XLA 88 506 07097

Office: LOS ANGELES

Date: **NOV 15 2006**

IN RE:

Applicant:



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. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status from January 1, 1982 through May 3, 1988 and failed to submit a Form I-693, Medical Examination.

An adverse decision on an application for temporary resident status may be appealed to the Administrative Appeals Office. Any appeal shall be submitted to the Service Center with the required fee 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). Whenever a person has the right or is required to do some act within a 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 director issued a Notice of Denial on December 11, 1992, and mailed it to the applicant's address of record. The notice was returned by the post office as undeliverable. The record contains no evidence of a change of address prior to the issuance of the director's decision. The applicant did not provide a change of address until 1994. Therefore, the applicant's failure to receive the Notice of Decision was of her own making. The California Service Center received the appeal on August 20, 1999, over six years after the decision was issued. The appeal was untimely filed and, therefore, must be rejected.

ORDER: The appeal is rejected.