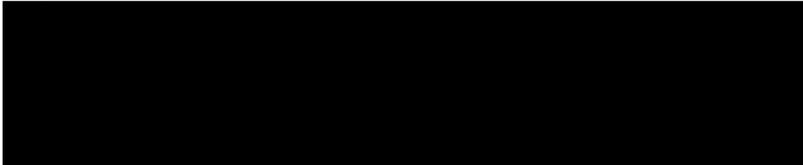


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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
XLA 88 508 200

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 29 2007**

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.

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 based on the determination that the applicant failed to respond to the director's request for additional evidence to support his residency claim.

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 December 18, 1992, and mailed it to the applicant's address of record. The notice was returned to the service center marked unclaimed after two delivery attempts had been made. There is no indication that the applicant attempted to notify Citizenship and Immigration Services of a change of address prior to the date the denial was issued. The appeal was received on August 4, 2005. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.