



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



W

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: FEB 12 2007

XLB 88 520 2107

IN RE:

Applicant:



APPLICATION:

Application for Temporary Resident Status under 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.

Robert P. Wiemann, Chief
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 rejected.

On March 8, 1994, the director issued a notice denying the application for temporary resident status because the applicant failed to establish that he resided continuously in the United States during the requisite period. On April 15, 1994, the applicant filed a Form I-694, Notice of Appeal. The director subsequently withdrew the March 8, 1994 notice of denial and issued a new decision on January 5, 1999, which denied the application for lack of the requisite continuous residence due to the applicant's deportation in 1984. In his January 5, 1999 decision, the director informed the applicant that his original appeal remained in effect and that he had 30 days to supplement his appeal. In response, the applicant filed a second Form I-694 on February 24, 1999.

An adverse decision on an application for temporary resident status may be appealed to the AAO within thirty (30) days after service of the notice of denial or termination, or 33 days if the adverse decision is served by mail. *See* 8 C.F.R. §§ 103.5a(b), 245a.2(p). An appeal received after this period has tolled will not be accepted. 8 C.F.R. § 245a.2(p).

In this case, the applicant filed two notices of appeal, both of which were untimely. The applicant's first Form I-694 was filed on April 15, 1994, which was 39 days after the director's March 8, 1994 notice of denial. The applicant filed his second Form I-694 on February 24, 1999, which was 51 days after the director's January 5, 1999 notice of denial. Accordingly, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.