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

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FILE:

XLA-88-540-02151

Office: LOS ANGELES

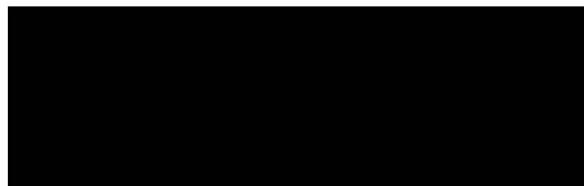
Date: **JUL 02 2008**

IN RE:

Applicant:

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Records Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker (the SAW program) was denied by the Director, Los Angeles District Office. The matter is now before the AAO on appeal. The appeal will be dismissed.

The director denied the application because she found the applicant had been convicted of three misdemeanors.

Whenever an application under the SAW program is denied or the status of a lawful temporary resident is terminated, the applicant shall be given written notice setting forth the specific reasons for the denial on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within 30 days following service of the notification of decision. 8 C.F.R. § 103.3(a)(3)(i). An appeal received after the 30-day period has tolled will not be accepted for processing. 8 C.F.R. § 103.3(a)(3)(iv). 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 record reflects that the director sent her decision of January 10, 2007 to the applicant at his address of record.

The Form I-694 appeal was submitted on February 28, 2007, 49 days after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected as untimely filed.