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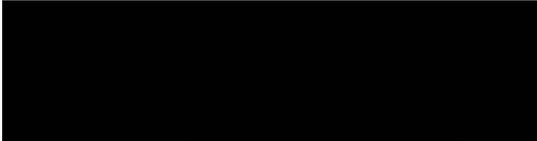
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

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U.S. Citizenship  
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Services

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FILE: [REDACTED]  
SRC 01 116 50864

Office: TEXAS SERVICE CENTER Date:

SEP 04 2009

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:



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 Benefits 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.

John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The termination of the applicant's temporary resident status by the Director, Texas Service Center, is before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant was granted temporary resident status on September 19, 2003 under section 245A of the Immigration and Nationality Act (Act), as amended, 8 U.S.C. § 1255a. The director terminated the applicant's temporary resident status because she had failed to file for permanent resident status within forty-three months of receiving her temporary resident status.

An adverse decision on an application for temporary resident status may be appealed to the AAO; the appeal with the required fee must be filed within 30 days after service of the notice of denial. 8 C.F.R. § 245a.2(p). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i). An appeal that is not timely filed will not be accepted. 8 C.F.R. § 245a.2(p).

In this case, the director issued the notice of denial on August 7, 2007 and mailed it to the applicant's address of record. The appeal was received on September 12, 2007, 36 days later. Therefore, the appeal was untimely filed and shall be rejected.

**ORDER:** The appeal is rejected.