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U.S. Citizenship  
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Services

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MAY 03 2007



FILE:

XPW 90 006 0613

Office: TEXAS SERVICE CENTER

Date:

IN RE:

Applicant:



APPLICATION:

Application for Adjustment from Temporary to Permanent 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 adjustment from temporary to permanent resident status was denied by the Director, Texas 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 failed to provide the final court disposition of his arrest in Reno, Nevada, on April 15, 1990, on the charges of spousal battery, a misdemeanor, and false imprisonment, a felony.

An adverse decision on an application for application for adjustment of status from temporary to permanent resident 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. The 30-day period for submitting an appeal begins 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1) 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 September 9, 2005, and mailed it to the applicant's address of record. The applicant's appeal from the denial decision was not received until October 13, 2005, 34 days after the issuance of the denial decision. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected.