



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
XNK-87-321-3124

Office: CALIFORNIA SERVICE CENTER

Date: MAY 23 2006

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The director terminated the applicant's temporary resident status because the applicant did not submit the disposition of a criminal charge. Therefore, the applicant failed to establish that he was admissible to the United States.

An adverse decision regarding 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 termination. An appeal received after the thirty-day period has tolled will not be accepted. *See* 8 C.F.R. § 245a.2(p). Whenever a person has the right or is required to do some act within a prescribed period after the service of 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 director issued the notice of termination on March 31, 1992, and mailed it to the applicant's address of record. The appeal was first received on April 26, 1993. The director incorrectly returned the applicant's money order to him on April 30, 1993, stating the money order was not needed at that time. The applicant resubmitted the appeal with fee on September 10, 1993. The appeal was untimely filed when it was first submitted on April 26, 1993, and must be rejected.

ORDER: The appeal is rejected.