

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

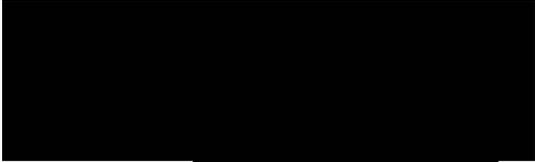
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

L1

PUBLIC COPY



FILE:

[Redacted]
XMA 88 086 05023

Office: VERMONT SERVICE CENTER

Date: NOV 13 2006

IN RE:

Applicant:



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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director determined that the applicant had been convicted of at least one felony and therefore, pursuant to 8 C.F.R. § 245a.2(c)(1), was inadmissible to the United States. Accordingly, the director denied the application for status as a temporary resident.

A report from the Federal Bureau of Investigation, dated February 2, 1989, indicates that the applicant was convicted in federal district court in Philadelphia, Pennsylvania on January 5, 1987 of two counts of possession of cocaine, and was sentenced to 24 months confinement, fined \$50 and placed on 60 months "special parole." The report also indicates that the applicant was charged by Federal Corrections officials in Danbury, Connecticut with possession of cocaine with the intent to distribute and aiding and abetting, and received a sentence of one year of confinement. The record does not contain arrest records or final court dispositions of any of these offenses.

An adverse decision on an application for status as a temporary resident status may be appealed to the Administrative Appeals Office. Any appeal shall be submitted to the service center with the required fee within thirty (30) days after service of the notice of denial. An appeal received after the thirty-day period has tolled will not be accepted. The thirty-day period for submitting an appeal begins three days after the notice of denial is mailed. 8 C.F.R. § 245a.2(p).

The director issued the Notice of Denial on June 26, 1989 and mailed it to the applicant's address of record. The appeal was received on November 25, 2002. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.