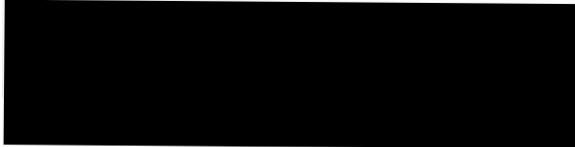


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U.S. Citizenship  
and Immigration  
Services

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LI

FILE: [REDACTED]  
XVN 88 520 03037

Office: CALIFORNIA SERVICE CENTER

Date: OCT 20 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. 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, Western 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 submit the requested court dispositions regarding her arrests on November 18, 1980 for smuggling aliens, October 11, 1982 for illegal entry, and August 12, 1987 for illegal entry and false claim to U.S. citizenship.

An adverse decision on an application for 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. *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 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 director issued a Notice of Denial on February 2, 1994. The applicant dated the appeal January 12, 2001, and it was received by the California Service Center on January 16, 2001, over six years after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

It is noted correspondence (Form I-512), which listed the applicant's new address was received by the Western Service Center prior to the issuance of the Notice of Denial. The director, however, did not mail the Notice of Denial to the applicant's new address of record. The untimely filing of the appeal appears to be due to the director's error. On November 4, 2004, the director sent a copy of the Notice of Denial to the applicant's address listed on appeal; however, it was returned by the post office as undeliverable. On January 28, 2005, the director sent another copy of the Notice of Denial to the applicant's new address of record; however, it also was returned by the post office as undeliverable. The record contains no evidence that the applicant has provided Citizenship and Immigration Services with a new address.

**ORDER:** The appeal is rejected.