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



U.S. Citizenship  
and Immigration  
Services

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FILE:

XLA 88 514 2127

Office: CALIFORNIA SERVICE CENTER

Date: SEP 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed 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 temporary resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application after determining that the applicant had not filed a complete application as required by 8 C.F.R. § 245a.2(d), and had not appeared on two occasions for the requisite interview pursuant to 8 C.F.R. § 245a.2(j).

An adverse decision on an application for temporary resident status may be appealed to the AAO. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of decision in accordance with the procedures of 8 C.F.R. § 103.3(a). An appeal received after the 30-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 Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) issued the notice of denial on May 29, 1992, and mailed a copy of this notice to the applicant at her address of record. The record shows that the Service's notice was returned by the United States Postal Service (U.S.P.S.) marked as "attempted-not known." According to CIS records, the applicant filed an appeal on July 15, 2004, more than twelve years and one month after the decision was issued.

On appeal, the applicant claims that she did not receive the notice of denial from the Service because the notice had been mailed to an address, [REDACTED] in Huntington Park, California, where she had never resided. The applicant also asserts that she never informed the Service that she resided at this address. However, the record shows that the applicant listed [REDACTED] as her address of record on the Form I-687, Application for Status as a Temporary Resident under Section 245 of the Immigration and Nationality Act (Act). As noted above, the Service mailed the notice of denial to the applicant at this address and the U.S.P.S. returned the notice as undeliverable. The record further shows that the applicant's failure to receive the notice of denial from the Service was clearly of her own making as she failed to report any change in her address of record prior to the receipt of a letter of inquiry on July 12, 1993. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.