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U.S. Citizenship
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Services

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JUN 12 2007

FILE:

XRV 88 021 4132

Office: California Service Center

Date:

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. 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, Western 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 had been convicted of three or more misdemeanors. Specifically, the applicant was convicted on January 11 1989, in the San Bernardino County Municipal Court District, County of San Bernardino, State of California, of: (1) driving under the influence of alcohol in violation of section 23152(a) of the California Vehicle Code, a misdemeanor; (2) driving under the influence of alcohol with a blood alcohol content of 0.08% or greater in violation of section 23152(b) of the California Vehicle Code, a misdemeanor; (4) driving with a suspended or revoked license in violation of section 14601.1(a) of the California Vehicle Code, a misdemeanor; and, (5) failure to appear in violation of section 40508(a) of the California Vehicle Code, a misdemeanor. (Case No.



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 30, 1992, and mailed it to the applicant's address of record at that time. The record contains a postal return receipt that was signed on March 31, 1992, acknowledging receipt of the director's decision. The applicant's appeal from the termination of his temporary resident status was not received until May 21, 1992, 52 days after the issuance of the notice of termination. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.