



U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 19 2007

XOK 88 200 01016

IN RE:

Applicant:



APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160.

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 termination of temporary resident status as a special agricultural worker by the Director, Southern Service Center is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director terminated the applicant's temporary resident status upon finding that the applicant had been convicted of a felony on April 10, 1989, for aiding and abetting the illegal transportation of an alien, a violation of 8 U.S.C. § 1324(a)(1)(B) and 18 U.S.C. § 2.

Whenever an application for special agricultural worker status is denied or the status of a lawful temporary resident is terminated, the alien shall be given written notice setting forth the specific reasons for the denial on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within 30 days following service of the notification of decision. 8 C.F.R. § 103.3(a)(3)(i). An appeal received after the thirty (30) day period has tolled will not be accepted for processing. 8 C.F.R. § 103.3(a)(3)(iv). Form I-694, Notice of Appeal, shall be used to file the appeal and must be accompanied by the appropriate fee. 8 C.F.R. § 103.3(a)(3)(ii). 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 the Notice of Termination on May 8, 1991.<sup>1</sup> The appeal was properly received by the California Service Center on August 14, 2006. The appeal was untimely filed and, therefore, must be rejected.

**ORDER:** The appeal is rejected as untimely filed.

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<sup>1</sup> The record reflects that the applicant provided a change of address on Form I-90 prior to the issuance of the director's Notice of Termination; however, said notice was not mailed to the new address of record. A Notice of Termination dated December 22, 2006, was sent to the applicant's current address, which advised the applicant of his ineligibility to lawful temporary resident status due to his felony conviction.