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U.S. Citizenship  
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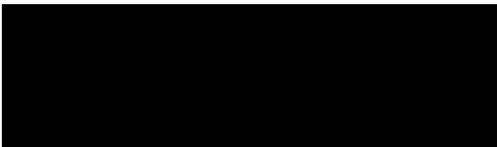
Office: TEXAS SERVICE CENTER

Date: MAY 15 2007

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:



**PUBLIC COPY**

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 or rejected, 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, Southern 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 of the applicant's criminal record. On appeal, counsel did not challenge the fact of the applicant's convictions.

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 November 8, 1991, and mailed it to the applicant's address of record. The appeal was received on February 14, 1994 and was, therefore, untimely. In a decision dated April 22, 1994 regarding the applicant's deportation proceedings, the Board of Immigration Appeals (BIA) found that the director's notice of termination had been properly served upon the applicant, and that the applicant's status had been correctly terminated.

The appeal in this termination matter was untimely filed, and must be rejected.

It is noted that the BIA dismissed the applicant's deportation appeal on April 22, 1994, and that constituted a final order of deportation. He was then deported on May 3, 1994. Pursuant to 8 C.F.R. § 245a.2(u)((2)(ii)(B)), the entry of a final order of deportation will automatically terminate an alien's temporary resident status. Such an automatic termination is not subject to appeal.

**ORDER:** The appeal is rejected.