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U.S. Department of Homeland Security  
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Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

L1



FILE: [REDACTED]  
SRC 04 250 50066

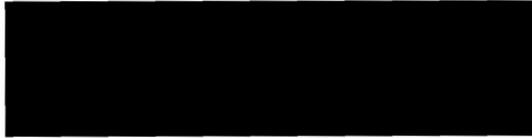
Office: TEXAS SERVICE CENTER

Date: JAN 30 2009

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Texas Service Center, denied the application for temporary resident status made pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements). The decision is now before the Administrative Appeals Office on appeal. The appeal will be rejected as untimely filed.

The Director, Texas Service Center, denied the application because the applicant failed to provide evidence that she had resided unlawfully in the United States for the requisite period. The director noted in her Notice of Intent to Deny (NOID), dated April 29, 2005, that the applicant had submitted various receipts and documents that appeared to have been altered including a receipt for books and a receipt for \$330, possibly for rent. The director also noted that the applicant submitted a copy of a mailing envelope addressed from [REDACTED] to herself with the postmark of May 23, 1985, however the Old Glory postage stamp shown on the same envelope was not issued by the United States Postal Service until 1994. In the NOID, the applicant was given 30 days to submit evidence to overcome this adverse information. However, no evidence was submitted.

An adverse decision on an application for temporary resident status may be appealed to the AAO; the appeal with the required fee must be filed within 30 days after service of the notice of denial. 8 C.F.R. § 245a.2(p). The date of filing is not the date of mailing, but the date of actual receipt. See 8 C.F.R. § 103.2(a)(7)(i). An appeal that is not timely filed will not be accepted. 8 C.F.R. § 245a.2(p).

In this case, the director issued the notice of denial on September 13, 2005 and mailed it to the applicant's address of record. The appeal was received on October 17, 2005, 34 days later. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.