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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:

[REDACTED]

Office: TEXAS SERVICE CENTER

Date:

OCT 23 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:

[REDACTED]

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.

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Texas Service Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act) dated November 11, 1991.

The record reflects that the applicant failed to file an application during the application filing period which was subsequent to the CSS/Newman Settlement agreements. The director determined that the applicant had failed to file any I-687, Application for Status as a Temporary Resident since her initial application dated November 11, 1991.

On appeal, counsel asserts that the applicant should have been given notice to file during the late filing period.

In the instant matter, the record of proceeding does not contain an application submitted by the applicant during the late filing period from May 24, 2004 to December 31, 2005. Since this application was not filed within any applicable filing period, it was adjudicated in error by the director. Accordingly, the AAO will withdraw from the record the director's adjudication of the application. The AAO, therefore, is without any authority to review the merits of this application, and the appeal must be rejected.

**ORDER:** The appeal is rejected. This decision constitutes a final notice of ineligibility.