U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: JAN 16 2013 OFFICE: SAN FRANCISCO FILE:

IN RE: Applicant:

APPLICATION: Application to Adjust Status from Temporary to Permanent Resident Status 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.

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application to adjust to permanent resident status pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a (Act) was denied by the Director of the San Francisco Field Office and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application, finding that the applicant's criminal history rendered him ineligible to adjust from temporary to permanent resident status.

On appeal, the applicant asks the Service to approve his application for his children's sake.

If an appeal is filed from within the United States, it must be received by United States Citizenship and Immigration Services (USCIS) within 30 days after service of the Notice of Denial, and an appeal received after the 30-day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1). The 30-day period for submitting an appeal begins 3 days after the Notice of Denial is mailed. *Id.*

The director issued the Notice of Denial on August 21, 2012 and mailed it to the applicant's address of record. The appeal was received by USCIS on November 9, 2012, more than 33 days later. Therefore, the appeal was untimely filed and must be rejected.

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