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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[redacted]

FILE: [redacted] OFFICE: California Service Center DATE: JUL 24 2003

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

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. IF YOUR APPEAL WAS DISMISSED, YOU NO LONGER HAVE A CASE PENDING BEFORE THIS UNIT, AND YOU ARE NOT ENTITLED TO FILE A MOTION TO REOPEN OR RECONSIDER YOUR CASE.

for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because he found that the applicant had failed to submit a completed application and had failed on at least two occasions to appear for his required legalization interview. The director therefore concluded that the applicant had failed to establish entry into the United States prior to January 1, 1982, and continuous residence since such date.

An adverse decision on an application for temporary resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the Regional Processing Facility (Service Center) within thirty (30) days after service of the notice of denial. An appeal received after the thirty day period has tolled will not be accepted. 8 C.F.R. 245a.2(p).

The director issued the Notice of Denial on July 31, 1992, and mailed it to the applicant's most current address of record at the time the decision was issued. There is no evidence in the record that the decision was returned to the Bureau as undeliverable or that the applicant failed to receive the notice. Nor is there any indication that the applicant attempted to notify the Bureau of any change of address prior to the issuance of the decision. The appeal was not received by the Bureau until June 4, 2002. Therefore, the appeal was untimely filed, and must be dismissed.

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