

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

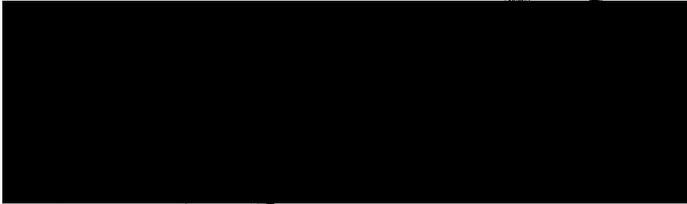
U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

PUBLIC COPY



U.S. Citizenship
and Immigration
Services

BOA



FILE:



Office: VERMONT SERVICE CENTER

Date: SEP 10 2004

IN RE:

Petitioner:



Beneficiary:

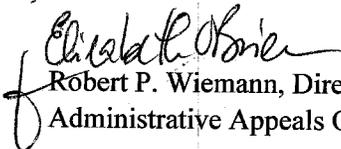
PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER: .



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. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days of after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the director issued the decision on July 11, 2001. It is noted that the director properly gave notice to the petitioner that it had 33 days to file the appeal. Counsel for the petitioner sought to directly file a Form I-290B, Notice of Appeal, with the Administrative Appeals Office (AAO) on August 14, 2001. The director's decision informed the petitioner that the Notice of Appeal must be filed with the Vermont Service Center with the required fee. Counsel failed to file the appeal properly with the Vermont Service Center with the appropriate filing fee within 33 days of the director's decision so the appeal must be rejected.

As the appeal was untimely filed, the appeal must be rejected.

ORDER: The appeal is rejected.