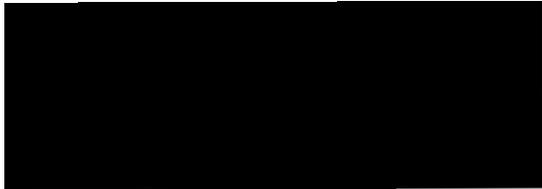


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prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

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FILE:



Office: ST. PAUL, MN

Date: OCT 10 2006

IN RE:

Applicant:



APPLICATION: Application for Certificate of Citizenship pursuant to former Section 321(a)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1432(a)(3), now repealed

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, St. Paul, Minnesota and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The record reflects that the applicant was born on April 4, 1982 in Liberia. The applicant's father, [REDACTED] was born on October 10, 1958 in Liberia. The applicant seeks a certificate of citizenship pursuant to the naturalization of his father on June 14, 1996.

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 with the office that issued the denial within 30 days of service of the decision. If the decision is mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The record indicates that the district director issued her decision on February 9, 2006, in which she notified the applicant that he had 33 days to file an appeal. However, appeal in the instant case was not received by Citizenship and Immigration Services until Thursday, March 16, 2006, 35 days after the district director denied the petition. Therefore, the petitioner has not met the filing requirements for an appeal.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(B)(2) states that, if an untimely appeal meets the requirements of a motion to reopen or a motion to reconsider, the appeal must be treated as a motion and a decision must be made on the merits of the case. The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the district director. *See* 8 C.F.R. § 103.5(a)(1)(ii). The district director declined to treat the late appeal as a motion and forwarded the matter to the AAO.

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

ORDER: The appeal is rejected.