

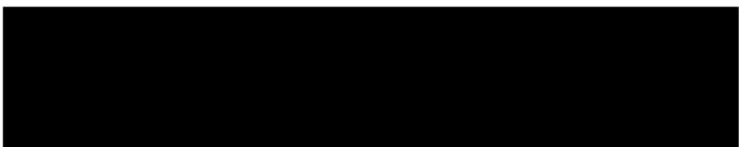
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CIUDAD JUAREZ, MEXICO

Date: AUG 22 2006

IN RE:

Applicant:



APPLICATION: Application for Waiver of Grounds of Inadmissibility under §§ 212(a)(6)(C)(i), 212(a)(9)(B)(i)(II), 212(a)(9)(C)(i), and 212(a)(9)(A)(i) of the Immigration and Nationality Act, 8 U.S.C. §§ 1182(a)(6)(C)(i), 1182(a)(9)(B)(i)(II), 1182(a)(9)(C)(i), and 1182(a)(9)(A)(i)

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. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Application for a Waiver of Inadmissibility was denied by the Officer in Charge, Ciudad Juarez, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The applicant was found to be inadmissible, because she had attempted to re-enter the United States by presenting a counterfeit I-551 card after having previously entered the United States without inspection and having remained in this country for over a year. The officer in charge denied the waiver application on December 10, 2004, and Citizenship and Immigration Services received the applicant's appeal on February 8, 2005.

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 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). CIS received the appeal 60 days after the decision was issued. Therefore, the appeal was untimely filed.

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 officer in charge. *See* 8 C.F.R. § 103.5(a)(1)(ii). The officer in charge 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.