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U.S. Citizenship
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Services

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FILE:



Office: PHOENIX

Date:

JAN 23 2008

WAC 94 170 51384

IN RE:

Applicant:



APPLICATION:

Application for Adjustment from Temporary to Permanent Resident Status under
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.

Robert P. Wiemann, Chief

Administrative Appeals Office

DISCUSSION: This matter is an application for adjustment from temporary to permanent resident status denied by the District Director, Phoenix, Arizona which is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application based on the determination that the applicant failed to demonstrate a knowledge of United States history and government and a minimal understanding of ordinary English.

An adverse decision on an application for adjustment from temporary to permanent resident status may be appealed to the Administrative Appeals Office. 8 C.F.R. § 245a.3(j). Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of denial. *Id.* An appeal received after the thirty-day period has tolled will not be accepted. *Id.* Whenever a person has the right or is required to do some act within a prescribed period after the service of notice upon him and the notice is served by mail, three days shall be added to the prescribed period. 8 C.F.R. § 103.5a(b). Service by mail is complete upon mailing. *Id.*

The director issued the notice of denial on September 14, 2007 and mailed it to the applicant's address of record. The appeal was received on November 1, 2007, or 48 days after the notice of denial was issued. Therefore, the appeal was untimely filed, and must be rejected.

In addition, the applicant failed to sign the Form I-694, Notice of Appeal, as required by the regulation at 8 C.F.R. § 103.2(a)(2). Because the appeal form was not signed by the applicant, the appeal has not been properly filed. *See* 8 C.F.R. § 103.2(a)(7)(i). For this additional reason, the appeal must be rejected.

ORDER: The appeal is rejected.