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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] MSC 02 232 66943

Office: HOUSTON

Date: NOV 27 2006

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:



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 the matter 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: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant had failed to establish that he satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, the applicant's authorized representative asserts that, as the applicant only has an eight-grade education, it will take him longer to learn the English language. The representative further asserts that, in the area where he resides, the applicant does not have ready access to accredited learning institutions "geared for LIFE applicants." The representative requests that the applicant be afforded another chance to take the citizenship examination. The applicant submits no additional documentation in support of the appeal.

An affected party filing from within the United States has 30 days from the date of an adverse decision to file an appeal. An appeal received after the 30-day period has tolled will not be accepted. The 30-day period for submitting an appeal begins three days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent his decision of October 8, 2004 to the applicant and his authorized representative at their addresses of record in the United States. Although the director instructed the applicant that his appeal must be filed with the Houston District Office, the applicant sent his appeal to the AAO, which returned it with instructions on proper filing. Citizenship and Immigration Services (CIS) received the properly filed appeal on November 29, 2004, 52 days after the director issued his decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.