



U.S. Citizenship
and Immigration
Services

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invasion of personal privacy

[REDACTED]

FILE: [REDACTED] MSC 02 319 61802

Office: CHICAGO

Date: APR 20 2007

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:

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 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.

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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, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

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

On appeal, the applicant states that she is eligible under the LIFE Act because she presented bona fide evidence in support of her application and that her failure of the two citizenship skills tests was due to her age and medical problems. The applicant submitted additional documentation in support of the appeal.¹

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 September 20, 2004 to the applicant at her address of record in the United States. Although the director failed to advise the applicant of the proper procedures for filing an appeal, 8 C.F.R. § 245a.20(b) and the instructions accompanying the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, instruct the applicant to file the appeal with the office that rendered the adverse decision. The applicant, however, submitted her appeal to the Nebraska Service Center, which returned it noting that the applicant had also failed to sign the Form I-290B. The Chicago District Office received the properly signed Form I-290 on November 15, 2004, 56 days after the director issued his decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.

¹ The record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, purporting to authorize [REDACTED] to act on behalf of the applicant. The regulation at 8 C.F.R. § 103.2(a)(3) specifies that an applicant may be represented “by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter.” In this case, the person listed on the G-28 is not an authorized representative.