



U.S. Citizenship
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Services

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FILE:



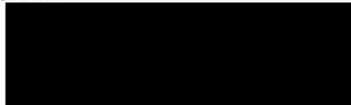
Office: New York

Date: APR 26 2007

MSC 02 245 61394

IN RE:

Applicant:



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

The district 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.

It must be noted that subsequent to the filing of the appeal, a Form EOIR-28, Notice of Entry of Appearance as Attorney of Representative Before the Immigration Court, was submitted on the applicant’s behalf. However, the proper notice of appearance in the current proceedings is not the EOIR Form-28, but instead the Form G-28, Notice of Entry of Appearance as Attorney or Representative. All representations will be considered but the decision will be furnished only to the applicant and that counsel listed on the properly executed Form G-28 contained in the record.

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 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1)

Citizenship and Immigration Services or CIS issued the notice of decision on April 6, 2005, and mailed a copy of this notice to both the applicant and counsel at each of their respective addresses of record. Although the record reflects that the notice mailed to the applicant was returned as undeliverable, the record shows that the notice mailed to counsel was not returned by the United States Postal Service as either unclaimed or undeliverable. The Form I-290B, Notice of Appeal, was filed on May 10, 2005, 34 days after the decision was issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.