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U.S. Citizenship
and Immigration
Services

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WZ

FILE:



Office: NEW YORK

Date:

OCT 09 2007

MSC-01-355-61876

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:

SELF-REPRESENTED

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

The director denied the application because she found the applicant did not succeed in passing her second and final test on her English ability and knowledge of United States history and government.

An adverse decision on an application for permanent resident status under the LIFE Act may be appealed to the Administrative Appeals Office. Any appeal filed from within the United States must be received by United States Citizenship and Immigration Services within thirty (30) calendar days after service of the notice of denial (NOD). An appeal received after the thirty-day period has tolled will not be accepted. The 30 day period for submitting an appeal begins 3 days after the NOD is mailed. *See* 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent her decision of July 13, 2006 to the applicant at her address of record.

The Form I-290B appeal was initially submitted on August 29, 2006 but was rejected because it did not include the correct fee amount. The Form I-290B appeal was properly submitted on September 26, 2006, more than two months after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected as untimely filed.