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U.S. Citizenship
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Services

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[Redacted]

FILE:

MSC 02 037 62393

Office: NEW YORK

Date: OCT 31 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:

[Redacted]

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, New York, New York, 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 he satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, counsel states that the applicant submitted a second Form N-648, Medical Certification for Disability Exceptions, to explain the discrepancies in the first Form N-648. Counsel submits a brief 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 her decision of May 23, 2006 to the applicant and counsel at their addresses of record in the United States. The U.S. Postal System returned the letter, sent via certified mail, to the applicant as "unclaimed" and "unable to forward." The letter to counsel was returned as "not deliverable as addressed" and "unable to forward." Counsel asserts that her office changed addresses in 2004; however, the record does not contain a notification to Citizenship and Immigration Services (CIS) informing it of the change. Counsel also states that the applicant has resided at the same address since 1991, and the reason for the Postal Service's return on the letter could not be explained. The record, however, reflects that the applicant was properly served with notice of the director's decision.

Counsel states that she was informed via telephone of the director's denial of the application in June 2006. CIS received the appeal on August 4, 2006, 73 days after the director issued her decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.