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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

MSC 02 225 62815

Office: CHICAGO

Date:

SEP 10 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, 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 had failed to establish that she satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, counsel asserts that the applicant is elderly and was nervous during the interview and that the interviewing officer, after giving the applicant a list of study questions, failed to ask questions from the list at the applicant's second interview.

Counsel indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that a brief and/or additional evidence would be submitted within 30 days of filing the appeal. As of the date of this decision, however, more than nine months after the appeal was filed, no further documentation has been received by the AAO. As the appeal was untimely filed, however, this issue is moot.

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 February 8, 2005 to the applicant and her attorney at their addresses of record in the United States. The appeal, dated March 9, 2005, was submitted without a proper fee. Handwritten notes attached to the Form I-290B indicate that counsel failed to sign the check accompanying the appeal. Counsel was notified of this error on March 17, 2005 and submitted a properly signed check on March 23, 2005.

The regulation at 8 C.F.R. § 245a.20(a)(2) provides that the Form I-290B must be filed with the proper fee. Citizenship and Immigration Services (CIS) received the appeal, with the required fee, on March 23, 2005, 43 days after the director issued his decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.