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U.S. Citizenship
and Immigration
Services

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FILE:

MSC 02 241 61647

Office: CHICAGO

Date:

SEP 28 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 District Director, Chicago, Illinois, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act on May 21, 2004. The applicant filed a motion to reconsider/reopen on June 4, 2004, which was denied by the district director for lack of jurisdiction on March 4, 2005. The matter 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 stated that the applicant denied having received notice of his scheduled appointment for his second interview. Counsel submits a letter and copies of previously submitted documentation 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 his decision of May 21, 2004 to the applicant at his address of record in the United States. Counsel filed a motion to reconsider/reopen with the district office on June 4, 2004. However, while the regulations permit the director to reopen a motion *sua sponte*, they do not provide for motions by the applicant. 8 C.F.R. § 245a.20(c). The director denied the motion for lack of jurisdiction on March 4, 2005. Citizenship and Immigration Services (CIS) received the applicant's appeal of the director's denial of his I-485 application on April 7, 2005, ten months after the director issued his decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.