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U.S. Citizenship  
and Immigration  
Services

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L2

FILE:

MSC 02 249 63758

Office: DALLAS

Date:

SEP 28 2007

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. 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, Dallas, Texas, 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 she satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, the applicant states that he is presently attending school and studying basic English skills. The applicant requests another opportunity to pass the citizenship skills test. The applicant submits additional 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 her decision of December 17, 2003 to the applicant at his address of record in the United States. In her Notice of Decision, the director instructed the applicant to file his appeal with the Dallas District Office. The record reflects, however, that the applicant submitted his appeal directly to the AAO, who returned it with instructions on where to file the appeal. Citizenship and Immigration Services (CIS) received the appeal on February 23, 2004, 68 days after the director issued her decision. Therefore, the appeal was untimely filed.

**ORDER:** The appeal is rejected as untimely filed.