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U.S. Citizenship
and Immigration
Services

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FILE:

MSC 03 246 62004

Office: NEW YORK

Date:

APR 17 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Records Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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, the applicant states that he knows how to understand and write English, and knows New York history. However, at the interview, he got nervous and forgot all of his English. The applicant requests another opportunity to pass the citizenship skills test.

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 September 16, 2005, to the applicant at his address of record in the United States. The applicant initially submitted his application without the appropriate filing fee. An application or petition that is submitted without the proper filing fee “shall be rejected as improperly filed. Rejected applications . . . will not retain a filing date.” 8 C.F.R. § 103.2(a)(7). Citizenship and Immigration Services (CIS) received the appeal with the appropriate filing fee on November 2, 2005, 47 days after the director issued her decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.