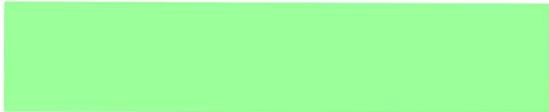


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: OCT 08 2013

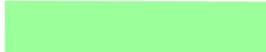
Office: NEW YORK, NY

FILE:



IN RE:

Applicant:



APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in cursive script that reads "Michael Shumway".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The District Director, New York, New York, denied the waiver application and the Administrative Appeals Office (AAO) dismissed an appeal of the denial. The applicant filed a motion to reopen. In a decision dated February 20, 2013, the AAO granted the applicant's motion to reopen but affirmed the previous dismissal of her appeal. The matter is again before the AAO on motion. The motion will be rejected as untimely filed.

The regulation at 8 C.F.R. § 103.5(a)(i) provides, in pertinent part:

Any motion to reconsider an action by the Service filed by an applicant or petitioner must be filed within 30 days of the decision that the motion seeks to reconsider. Any motion to reopen a proceeding before the Service filed by an applicant or petitioner, must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires, may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and was beyond the control of the applicant or petitioner.

If the decision was mailed, the motion must be filed within 33 days. *See* 8 C.F.R. § 103.8(b). The date of filing is the date of actual receipt of the motion, not the date of mailing. *See* 8 C.F.R. § 103.2(a)(7)(i). Neither the Act nor the pertinent regulations grant the AAO authority to extend the time limit for filing a motion.

The record reflects that the AAO issued its decision on February 20, 2013 to the applicant at the applicant's address of record. The AAO's decision included notice that the applicant could file a motion within 30 days of the decision date. The motion was received on March 26, 2013, 34 days after the decision was issued. Therefore, the motion was untimely filed and must be rejected.

ORDER: The motion is rejected.