



U.S. Citizenship
and Immigration
Services

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FILE:

MSC 02 248 65831

Office: DETROIT

Date:

SEP 27 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. The file has been returned to the National Benefits Center. 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, Detroit, Michigan, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application on the basis of the applicant's failure to meet the requirements specified in section 312(a) of the Act, 8 U.S.C. § 1423(a), which relate to the applicant's understanding of English and knowledge and understanding of U.S. history and government.

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 district director sent her decision of January 28, 2005 to the applicant at her address of record. USCIS received the appeal 56 days later on March 25, 2005. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.