



U.S. Citizenship
and Immigration
Services

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FILE:



Office: Houston

Date: MAR 15 2007

MSC 02 190 62915

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 office that originally decided your case. If your appeal was sustained, or if your case 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, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district 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.

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 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1)

Citizenship and Immigration Services or CIS issued the notice of decision on August 10, 2004, and mailed a copy of this notice to the applicant. Although the district director mailed the notice to the applicant at her correct street address, an incorrect apartment number was included with this address. Nevertheless, the record shows that the applicant received the notice as she included a copy of the notice of decision with her appeal. The applicant also acknowledged that she had previously received the notice of intent to deny issued on April 29, 2004 in her appeal statement despite the fact that the same error relating to her apartment number had been made on the notice of intent to deny.

The record reflects that the applicant initially submitted the Form I-694, Notice of Appeal on September 14, 2004, 35 days after the decision was issued. However, rather than submitting the Form I-694 appeal to the proper CIS office as directed in the instructions contained in the notice of denial, the applicant submitted the Form I-694 appeal to the AAO. The AAO returned the Form I-694 appeal to the applicant and included instructions to her regarding the proper CIS office where she should file the Form I-694 appeal. It is noted that even if the Form I-694 appeal had been initially filed with the proper CIS office on September 14, 2004, such filing would have also considered as untimely. The applicant subsequently filed the Form I-694 appeal with the correct CIS office on September 30, 2004, 51 days after the decision was issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.