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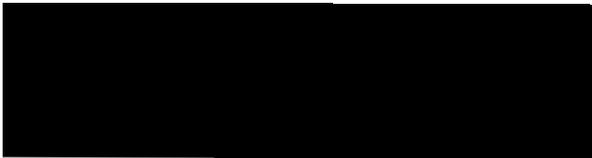
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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FILE:

MSC 03 164 61661

Office: PHOENIX

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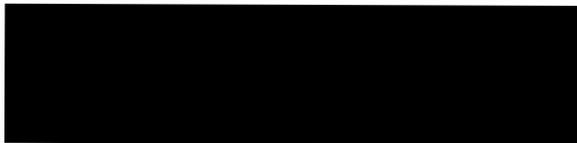
JUL 27 2009

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:



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 Benefits 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.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Phoenix, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant had failed to establish that he satisfied the "Basic Citizenship Skills" requirement under section 1104(c)(2)(E) of the LIFE Act. Specifically, the director determined that the applicant failed to establish he qualified for a disability waiver to the basic citizenship skills requirement.

On appeal, counsel submits a brief, additional evidence and a Form N-648, Medical Certification for Disability Exceptions, in support of the applicant's claim for an exception to the basic citizenship skills requirement.

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 (NOD) is mailed. 8 C.F.R. § 245a.20(b)(1)

The record reflects that the director sent the decision on January 27, 2009, to the applicant and counsel at their addresses of record. Counsel attempted to file the appeal on March 2, 2009, 34 days after the NOD. However, counsel submitted an improper method of payment. The appeal was properly filed on March 4, 2009, 36 days after the NOD. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.