

(b)(6)

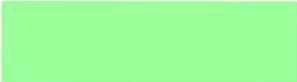


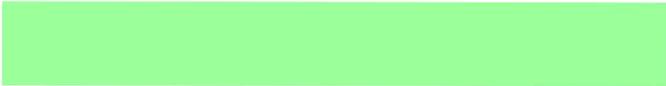
U.S. Citizenship  
and Immigration  
Services



Date: **FEB 12 2013**

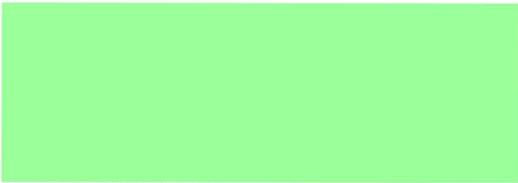
Office: HARTFORD, CT

FILE: 

IN RE: Self-Petitioner: 

PETITION: Petition for Special Immigrant Juvenile Pursuant to Section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(J) of the Act, 8 U.S.C. § 1101(a)(27)(J)

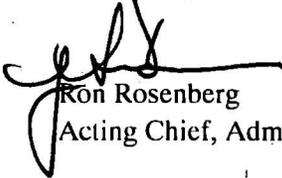
ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

  
Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Hartford, Connecticut Field Office Director (the director), denied the special immigrant visa petition (Form I-360), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The petitioner is a 17-year-old native and citizen of Peru who seeks classification as a special immigrant juvenile (SIJ) pursuant to sections 1101(a)(27)(J) and 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(27)(J), 1153(b)(4).

An appeal must be filed within 30 days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.8(b). An appeal which is unsigned and not executed in accordance with the form instructions will be rejected. 8 C.F.R. § 103.2(a)(7)(i). A rejected Form I-290B, Notice of Appeal, will not retain a filing date. 8 C.F.R. § 103.2(a)(7)(iii).

In this case, the director denied the petition on June 8, 2012. Counsel initially submitted a Form I-290B on July 3, 2012, which was rejected as improperly filed because it was not signed by the petitioner or counsel. U.S. Citizenship and Immigration Services (USCIS) did not receive the properly signed appeal until July 16, 2012, which was 38 days after the director's decision was issued.

Neither the Immigration and Nationality Act nor the pertinent regulations grant the AAO or the director authority to extend the 33-day time limit for filing an appeal. As the appeal was untimely filed, the appeal must be rejected. Nevertheless, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(B)(2) states that, if an untimely appeal meets the requirements of a motion to reopen or a motion to reconsider, the appeal must be treated as a motion, and a decision must be made on the merits of the case. The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the Hartford, Connecticut Field Office Director. *See* 8 C.F.R. § 103.5(a)(1)(ii). The director determined that the late appeal did not meet the requirements of a motion and forwarded the matter to the AAO.

As the appeal was untimely filed, the appeal must be rejected.

**ORDER:** The appeal is rejected.