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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

U.S. Citizenship
and Immigration
Services

012

JUN 09 2009

FILE:

Office: VERMONT SERVICE CENTER

Date:

IN RE:

Principal Applicant:
Derivative Applicant:

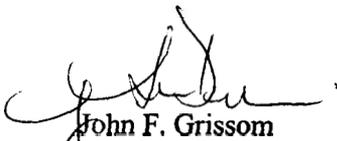
PETITION:

Application for T Nonimmigrant Status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(T)(ii), for an Immediate Family Member

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa application and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant seeks T nonimmigrant classification under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(T)(ii), for her spouse. The director denied the application because the applicant did not establish her own eligibility for T nonimmigrant status as a victim of a severe form of trafficking in persons and also did not demonstrate her spouse's eligibility for derivative classification.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b). An appeal which is not filed within the time allowed must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(B)(I).

In this case, the director denied the application on December 3, 2008. U.S. Citizenship and Immigration Services (USCIS) received the applicant's Form I-290B, Notice of Appeal, on January 6, 2009, which was 34 days after the director issued his decision. Consequently, the appeal must be rejected as untimely filed.

ORDER: The appeal is rejected.