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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

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JUN 09 2009

FILE:

EAC 08 240 50183

Office: VERMONT SERVICE CENTER

Date:

IN RE:

Applicant:

PETITION:

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

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)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(T)(i). The director denied the application because the applicant did not establish that she was a victim of a severe form of trafficking in persons and that she was physically present in the United States on account of such trafficking.

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)(1).

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.