

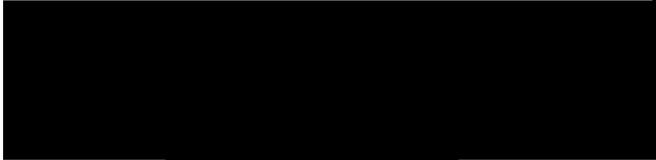


U.S. Citizenship  
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FILE:

Office: MIAMI, FL

Date:

**NOV 17 2009**

IN RE:

APPLICATION: Application for Certificate of Citizenship under Section 320(a) of the Immigration and Nationality Act; 8 U.S.C. § 1432(a).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Miami Field Office Director and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The applicant seeks a certificate of citizenship under section 320(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1432(a). The applicant claims he acquired citizenship through his father. The director determined that the applicant failed to establish that he was residing in the United States in the legal and physical custody of his father pursuant to a lawful admission for permanent residence and denied the application accordingly.

An appeal must be filed with the office where the unfavorable decision was made 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. § 103.5a(b).

In this case, the director denied the application on November 28, 2006. The director properly notified the applicant that if he chose to appeal the decision, he would have to file his appeal within 33 days. The applicant initially submitted a Form I-290B, Notice of Appeal, on January 5, 2007, which was 38 days after the director's decision was issued. Accordingly, the appeal was untimely filed and must be rejected.