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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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[REDACTED]

FILE: [REDACTED] Office: BOSTON Date: OCT 16 2009

IN RE: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Section 301(a)(7) of the former Immigration and Nationality Act; 8 U.S.C. § 1401(a)(7).

ON BEHALF OF APPLICANT:

[REDACTED]

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 Boston 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 301(a)(7) of the former Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(a)(7) (as in effect at the time of the applicant's birth in 1969). The applicant claims he acquired citizenship through his mother. The director determined that the applicant failed to establish that his mother was physically present in the United States for the requisite periods.

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 December 11, 2008. The director properly notified the applicant that if he chose to appeal the decision, he would have to file his appeal with the Boston Field Office within 30 days. The applicant initially submitted a Form I-290B, Notice of Appeal, to the AAO (rather than the Boston Field Office) on January 14, 2009, which was 34 days after the director's decision was issued. The applicant then filed the Form I-290B with the Boston Field Office on January 21, 2009, which was 41 days after the director issued her decision. Consequently, the appeal must be rejected as untimely filed.

Even if the appeal had been timely filed, it would have been summarily dismissed. The regulation at 8 C.F.R. § 103.3(a)(1)(v) prescribes that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. On the Form I-290B in Part 3, Basis for the Appeal, the applicant stated that a brief and supporting evidence would be submitted separately within 30 days. To date, over nine months later, the AAO has received nothing further from the applicant in support of the appeal.

ORDER: The appeal is rejected.