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U.S. Department of Homeland Security
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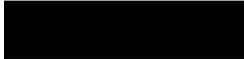
U.S. Citizenship
and Immigration
Services

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FI

FILE:



Office: ATLANTA, GA

Date: OCT 24 2005

IN RE: Petitioner:

Beneficiary:



Petition: Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101(b)(1)(F) of the
Immigration and Nationality Act, 8 U.S.C. 1101(b)(1)(F)

ON BEHALF OF PETITIONER:

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The District Director, Atlanta, Georgia denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner filed the Petition to Classify Orphan as an Immediate Relative (I-600 petition) on February 11, 2004. The petitioner is a forty-four-year old married citizen of the United States. The beneficiary was born in Trinidad and Tobago on June 18, 1989, and she is presently sixteen years old. The district director determined the petitioner had failed to establish that the beneficiary met the definition of an "orphan" as set forth in section 101(b)(1)(F)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(b)(1)(F)(i), and as defined in Volume 8 of the Code of Federal Regulations (8 C.F.R.).

An affected party has thirty days from the date of an adverse decision to file an appeal. 8 C.F.R. § 103.3(a)(2)(i). If the adverse decision was served by mail, an additional three days is added to the proscribed period. 8 C.F.R. 103.5a(b). The record reflects that the district director properly sent her decision to the petitioner at his address of record on January 4, 2005. U.S. Citizenship and Immigration Services (CIS) received the petitioner's appeal ninety days later, on April 5, 2005.

An appeal that is not filed within the time allowed must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(B)(1). The appeal in the present matter was not filed within a timely manner. The appeal will therefore be rejected as untimely filed.

ORDER: The appeal is rejected.