

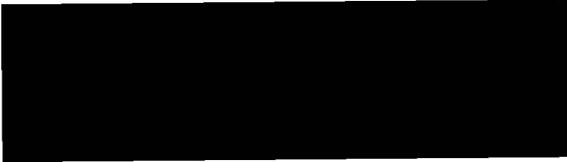
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**U.S. Citizenship
and Immigration
Services**



H2

FILE:

Office: SAN FRANCISCO, CA

Date: **MAR 03 2009**

IN RE:



APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i)

ON BEHALF OF APPLICANT:



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 cursive script, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, San Francisco, California. The subsequent appeal was rejected by the Administrative Appeals Office (AAO) as untimely filed on November 1, 2006. The matter is again before the AAO on a motion to reconsider. The motion to reconsider will be granted. The previous decision will be affirmed.

The record indicates that the district director issued the decision on May 21, 2004 and the appeal was received by the district office on June 24, 2004, 34 days¹ after the decision was issued. Accordingly, the AAO rejected the appeal as untimely filed.

On motion, counsel asserts that June 24, 2004 was a Monday and, therefore, that the 33rd day of the filing period for the appeal fell on the weekend, making the applicant's appeal timely. A review of the 2004 calendar, however, reveals June 24, 2004 to have been a Thursday, not a Monday. Accordingly, as the 33rd day of the filing period fell on Wednesday, June 23, 2004, the appeal was untimely filed.

ORDER: The AAO's November 1, 2006 decision is affirmed.

¹ The AAO notes that its November 1, 2006 decision incorrectly found the appeal to have been received on the 35th day following the district director's issuance of the decision.