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U.S. Department of Homeland Security
Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave. N.W. MS 2090
Washington, D.C. 20529-2090



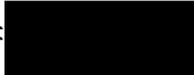
**U.S. Citizenship
and Immigration
Services**



HS

DATE: JUL 17 2012

OFFICE: PANAMA CITY, PANAMA

File: 

IN RE:

Applicant: 

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew", with a long horizontal flourish extending to the right.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Acting District Director, Mexico City, Mexico, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The AAO's decision is now before the AAO on appeal. The appeal will be rejected.

The regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that an affected party must file a complete appeal within 30 days after service of an unfavorable decision. If the decision is mailed, the 30-day period for submitting an appeal begins 3 days after it is mailed. 8 C.F.R. § 103.8(b). The date of filing is the date of actual receipt of the appeal, not the date of mailing. See 8 C.F.R. § 103.2(a)(7)(i).

The record reflects that the AAO sent its decision on June 6, 2011, to the applicant at the applicant's address of record. It is noted that the AAO stated that the applicant had 30 days to file a motion on Form I-290B, Notice of Appeal or Motion (Form I-290B) with the United States Citizenship and Immigration Services (USCIS) office that originally decided her case if the applicant disagreed with the AAO's decision or had new information for consideration. Although counsel dated the Form I-290B on June 30, 2011, the Form I-290B was received on July 5, 2011, by the AAO; not the office that originally decided the applicant's case. The AAO issued a letter to counsel dated July 6, 2011, indicating the proper office and fee for which to file a motion. The Form I-290B and fee were received by the proper office on July 13, 2011; 38 days after the AAO issued its decision. Therefore, the appeal was untimely filed and must be rejected.

Additionally, the AAO notes that on page 1 of the Form I-290B filed in response to the AAO's dismissal, counsel for the applicant checked the box which indicates, "I am filing an appeal. My brief and/or additional evidence is attached." *Form I-290B*, signed June 30, 2011. As explained on the cover sheet for the AAO decision of June 6, 2011, an applicant who believes that the AAO incorrectly applied the law or who wishes to submit additional information may file a motion to reconsider or a motion to reopen. 8 C.F.R. § 103.5(a)(1). There is nothing in the regulations allowing for an administrative appeal of an AAO decision.

Consequently, although an applicant may file a motion to reopen or a motion to reconsider an AAO decision pursuant to 8 C.F.R. §103.5, there is no appeal of that decision. Based on the foregoing, the appeal must be rejected.

ORDER: The appeal is rejected.