



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF T-G-P-

DATE: SEPT. 21, 2015

MOTION TO REOPEN AND RECONSIDER ADMINISTRATIVE APPEALS OFFICE
DECISION

APPLICATION: FORM I-601, APPLICATION FOR WAIVER OF GROUNDS OF
INADMISSIBILITY

The Applicant, a native and citizen of the Dominican Republic, seeks a waiver of inadmissibility. *See* Immigration and Nationality Act (INA, or the Act) § 212(i), 8 U.S.C. § 1182(i). The Director, Nebraska Service Center, denied the application. The Applicant appealed the decision to the Administrative Appeals Office (AAO). The appeal was dismissed and the matter is now before us on a motion to reopen and reconsider. The motion will be denied.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that an affected party must submit a motion to reopen or reconsider within 30 days after service of an unfavorable decision. If the decision is mailed, the 30-day period for submitting a motion begins 3 days after it is mailed. 8 C.F.R. § 103.8(b). Failure to submit a motion to reopen before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant. 8 C.F.R. § 103.5(a)(1)(i).

The record reflects we sent the decision on February 2, 2015, to the Applicant at the Applicant's address of record. The decision cover page indicated that the applicant had 33 days to file a motion to reopen or reconsider. The applicant's motion was not received until March 10, 2015, or 36 days after the decision was issued.

The record does not contain any evidence demonstrating that the delay in filing was reasonable or beyond the control of the Applicant. As such, the motion was untimely filed and will be denied.

ORDER: The motion is denied.

Cite as *Matter of T-G-P-*, ID# 13333 (AAO Sept. 21, 2015)