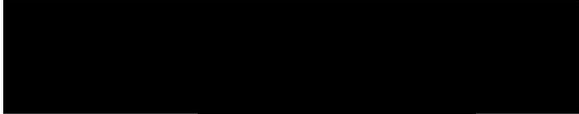


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invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services



L2

FILE:

MSC 02 211 62190

Office: NEW YORK

Date: **JAN 25 2007**

IN RE:

Applicant:



APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:

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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant failed to establish that he satisfied the “basic citizenship skills” required under section 1104(c)(2)(E) of the LIFE Act and failed to appear for a retest.

On appeal, the applicant states that he did not receive notice of the appointment for his retest.

An affected party filing from within the United States has 30 days from the date of an adverse decision to file an appeal. An appeal received after the 30-day period has tolled will not be accepted. The 30-day period for submitting an appeal begins three days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1).

The director’s decision of November 1, 2004 informed the applicant that his appeal must be filed with the district office. Further, the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, notifies the applicant that the form must be filed with the office that rendered the unfavorable decision. However, the applicant submitted his appeal directly to the AAO, who returned it with instructions on where to properly file the appeal. The district office received the properly filed appeal on December 30, 2004, 59 days after the director issued her decision. Therefore, the appeal was untimely filed.

**ORDER:** The appeal is rejected as untimely filed.