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U.S. Citizenship
and Immigration
Services

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FILE:

MSC 03 113 62611

Office: NEW YORK

Date:

L2
SEP 06 2007

IN RE:

Applicant:

APPLICATION:

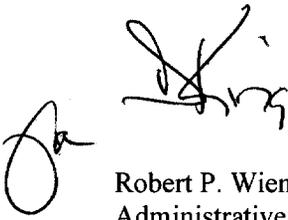
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

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.

On appeal, the applicant states that he improves his English skills daily and is currently attending school. The applicant requests a third opportunity to demonstrate the citizenship skills required under the LIFE Act.

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 record reflects that the director sent her decision of March 24, 2005 to the applicant at his address of record in the United States. The director advised the applicant that he must file his appeal with the district office. However, the applicant mailed his appeal to the AAO, who returned it with proper instructions on where he must submit his appeal. Citizenship and Immigration Services (CIS) received the properly filed appeal on May 2, 2005, 39 days after the director issued her decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.