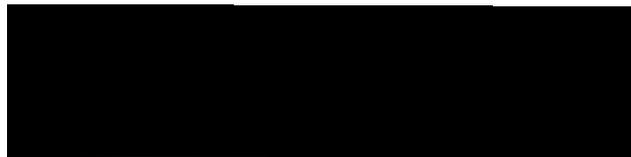


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U.S. Citizenship
and Immigration
Services

PUBLIC COPY



L2

FILE:

MSC 02 358 60945

Office: HOUSTON

Date:

APR 17 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Records Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, Houston, Texas, 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 submits a letter indicating that he is attending an English as a Second Language class. The applicant also states that he needs an additional 30 days in which to submit documentation that he has or will be attending classes on the history and government of the United States. As of the date of this decision, however, the AAO has received no further documentation from the applicant. However, as the appeal is untimely filed, this issue is moot.

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 his decision of November 23, 2004, to the applicant at his address of record in the United States. The regulation at 8 C.F.R. § 245a.20(b) and the instructions to the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, advises the applicant that the appeal must be filed with the office that rendered the decision. However, the applicant submitted his appeal directly to AAO, who returned it with instructions on where the appeal should be filed. Citizenship and Immigration Services (CIS) received the appeal 58 days later on January 20, 2005. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed