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U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 02 023 62886

Office: HOUSTON

Date: FEB 26 2009

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:

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 Benefits 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 "John F. Grisson".

John F. Grisson, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the director in Houston, Texas. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be rejected.

The director denied the application because the applicant failed to meet the “basic citizenship skills” requirement under section 1104(c)(2)(E) of the LIFE Act.

As provided in the regulation at 8 C.F.R. § 103.3(a)(2)(i), an appeal together with the fee specified in 8 C.F.R. § 103.7 must be filed “with the office where the unfavorable decision was made” within 30 days of the date the decision was served. Three additional days are allowed for an appeal if the notice of decision was served by mail. *See* 8 C.F.R. § 103.5a(b). Since the notice of decision was mailed to the applicant in this case, a 33-day appeal period applies. If the last day of the appeal period falls on a weekend or a holiday, the deadline is extended until the next working day. *See* 8 C.F.R. § 1.1(h).

The decision by the Houston District Office was issued on March 8, 2007. Under the regulations, therefore, the filing deadline for an appeal was Tuesday, April 10, 2007. As specified in the regulation at 8 C.F.R. § 103.2(a)(7), a properly prepared document is filed on the date it is received by U.S. Citizenship and Immigration Services (USCIS).

An application or petition received in a [USCIS] office shall be stamped to show the time and date of actual receipt and . . . shall be regarded as properly filed when so stamped, if it is signed and executed and the required filing fee is attached or a waiver of the filing fee is granted.

The applicant’s appeal (Form I-290B) bears a receipt stamp showing that it was received with the proper fee by the Houston District Office on April 17, 2007 – one week after the filing deadline of April 10, 2007. Thus, the applicant did not file his appeal within the 33-day period prescribed in the regulations. The regulation at 8 C.F.R. § 103.3(a)(2)(v)(B)(1) provides that “[a]n appeal which is not filed within the time allowed must be rejected as improperly filed.”

Based upon the applicant's failure to file a timely appeal, the appeal will be rejected.

**ORDER:** The appeal is rejected.