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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529 - 2090

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

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FILE:

Office:

HOUSTON

Date:

DEC 30 2010

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.


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the director of the Houston office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The director denied the application because the applicant failed to establish that she satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, the applicant submits a copy of a Form N-648, Medical Certification for Disability Exceptions. Counsel asserts that he will file a brief and submit additional evidence within 30 days of receipt of a copy of the record of proceedings. The record reflects that the applicant's FOIA request, [REDACTED] was processed on May 25, 1993. The record also reflects that the applicant's FOIA request, [REDACTED] was processed on August 24, 2010. Counsel has not submitted a brief on appeal.

If an appeal is filed from within the United States, it must be received by United States Citizenship and Immigration Services (USCIS) within 30 days after service of the Notice of Denial, and an appeal received after the 30-day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1). The 30-day period for submitting an appeal begins 3 days after the Notice of Denial is mailed. *Id.*

The director issued the Notice of Denial on January 12, 2005 and mailed it to counsel's address of record. The appeal was received by USCIS on February 16, 2005, 35 days later. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.