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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
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BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

[redacted]

MAY 16 2003

FILE [redacted] Office: Harligen, TX Date:

IN RE: Applicant: [redacted]

APPLICATION: Application for Permission to Reapply for Admission into the United States after Deportation or Removal under section 212(a)(6)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(26(C).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

PUBLIC COPY

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Application for Permission to Reapply for Admission into the United States after Deportation or Removal (I-212 application) was denied by the District Director, Harligen, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that in a decision dated, October 29, 2001, the district director found that the applicant was statutorily inadmissible to the United States pursuant to sections 212(a)(9) and 212(a)(6)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(9) and 1182(a)(6)(C), as an alien previously removed from the U.S. after falsely claiming U.S. citizenship. The applicant's I-212 application was denied accordingly. The district director's decision additionally stated that if the applicant wanted to appeal the decision, a notice of appeal needed to be filed within 30 days of the date of the decision. The district director's decision advised the applicant further that if no appeal was filed within the 30 day time period, the district director's decision would be final. *See District Director Decision* at 2. Lastly, the district director's decision advised the applicant that a fee was required to properly file a notice of appeal. *Id.*

8 C.F.R. § 103.2(a)(1) states in pertinent part, that every appeal "[s]hall be executed and filed in accordance with the instructions on the form . . ." and that the appeal "[m]ust be filed with the appropriate filing fee required by § 103.7."

The record reflects that the applicant attempted to file a notice of appeal without paying the required fee on November 19, 2001 and again on December 17, 2001. The record reflects further that the applicant did not actually pay the required notice of appeal fee until May 1, 2002. The applicant's notice of appeal was therefore not properly filed until May 1, 2002, almost six months after the district director's decision was issued, and well past the 30 day period provided for in the district director's decision. The notice of appeal will therefore not be considered and is rejected as untimely.

ORDER: The appeal is rejected and the district director's decision affirmed.