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U.S. Citizenship  
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[REDACTED]

FILE: [REDACTED]  
MSC-02-243-62606

Office: NEW YORK

Date: OCT 10 2007

IN RE: Applicant: [REDACTED]

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:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because she found the applicant did not submit additional evidence in response to the issues raised in the Notice of Intent to Deny. Specifically, the applicant failed to submit credible documents that would constitute a preponderance of evidence as to his residence in the United States during the statutory period.

An adverse decision on an application for permanent resident status under the LIFE Act may be appealed to the Administrative Appeals Office. Any appeal filed from within the United States must be received by United States Citizenship and Immigration Services within thirty (30) calendar days after service of the notice of denial (NOD). An appeal received after the thirty-day period has tolled will not be accepted. The 30 day period for submitting an appeal begins 3 days after the NOD is mailed. *See* 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent her decision of September 15, 2005 to the applicant's attorney at his address of record.

The Form I-290B appeal was initially submitted on October 17, 2005, but was rejected because it did not include the correct fee amount. The appeal was properly submitted on October 25, 2005, 40 days after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected as untimely filed.