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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: PORTLAND, OREGON

Date:

JAN 18 2005

IN RE:

Applicant:

[REDACTED]

PETITION:

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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter 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.

Robert P. Wiemann, Director
Administrative Appeals Office

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

The Interim District Director concluded the applicant had not established that she resided in the United States in a continuous unlawful status from before January 1, 1982, through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act and that she was not continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988, as set forth in 8 C.F.R. § 245a.11(c). Therefore, the Interim District Director concluded the applicant was ineligible for permanent resident status under the LIFE Act and denied the application accordingly. *See Interim District Director's Decision* dated September 2, 2003.

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 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b) (1)

If an applicant's last known address of record was outside the United States, and the Notice of Decision was mailed to that foreign address, the appeal must be received by the Service within 60 calendar days after service of the Notice of Decision. An appeal received after the 60 day period has tolled will not be accepted. The 60-day period for submitting an appeal begins 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b) (2).

The record reflects that the Interim District Director sent his decision of September 2, 2003, to the applicant and to counsel at their addresses of record. The Notice of Appeal to the AAO (Form I-290B) was forwarded to the AAO in error and it was returned to the applicant. The applicant re-submitted the Form I-290B with the appropriate fee to the Portland, Oregon office. Citizenship and Immigration Services (CIS) received the appeal 59 days later on October 31, 2003. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.