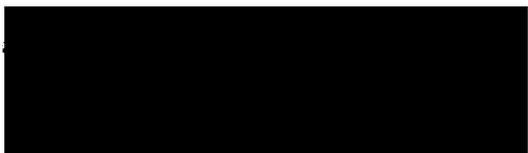


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U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: Denver

Date: SEP 20 2005

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:

Self-represented

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 "Robert P. Wiemann".

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

The district director concluded the applicant had not established that she had either continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act, or that she was continuously physically present in this country from November 6, 1986 to May 4, 1988 as required by section 1104(c)(2)(C) of the LIFE Act. The district director also determined that the applicant had failed to establish that she satisfied the "basic citizenship skills" required under section 1104(c)(2)(E) of the LIFE Act. Therefore, the district director concluded the applicant was ineligible for permanent resident status under the LIFE Act and denied the application.

On appeal, the applicant asserts that she has submitted sufficient evidence to establish both continuous residence in this country from prior to January 1, 1982 to May 4, 1988 and continuous physical presence in the United States from November 6, 1986 to May 4, 1988.

Although a Notice of Entry of Appearance as Attorney or Representative (Form G-28) has been submitted with the appeal, the Form G-28 is not signed by the applicant as required by 8 C.F.R. § 292.4(a). Therefore, this decision will be furnished to the applicant only.

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 director sent the decision of June 24, 2004, to the applicant at her most current address of record. The record contains a photocopied postal return receipt that was signed by the applicant on June 26, 2004 and specifically acknowledged her receipt of the notice of decision. Citizenship and Immigration Services (CIS) received the appeal on August 3, 2004, 44 days after the decision had been issued. Therefore, the appeal was untimely filed.

The burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden.

ORDER: The appeal is rejected as untimely filed.