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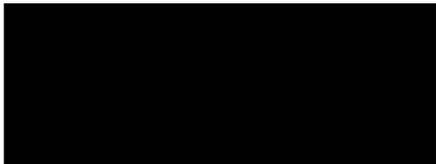
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: MSC 02 019 62531

Office: Los Angeles

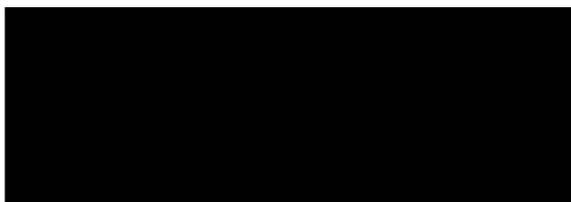
Date: AUG 02 2006

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

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that the denial of the applicant's application was based on "procedurally and substantive violations of law." Counsel requests a copy of the record of proceedings and an extension of time in which to file a brief and or submit additional documentation in support of the appeal for a period of 30 days following receipt of the record. However, as the appeal is untimely filed, counsel's request for an extension of time in which to file submit additional documentation is denied. 8 C.F.R. § 245a.20(b)(1).

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 three days after the Notice of Decision is mailed. *Id.*

The record reflects that the director sent her decision of October 4, 2004 to the applicant and his previous counsel at their addresses of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 36 days later on November 4, 2004. Therefore, the appeal was untimely filed.

We note that counsel initially submitted the appeal on Form I-694, Notice of Appeal of Decision Under Section 210 or 245A of the Immigration and Nationality Act. The appeal was returned to counsel for failure to file on the appropriate form, for failure to file with the proper fee, and for failure of both counsel and the applicant to sign the Form G-28, Notice of Entry of Appearance as Attorney or Representative. Counsel asserts that the appeal should be considered timely filed as of the date CIS received the Form I-694, on October 29, 2004. Counsel alleges that his failure to file on the proper form and with the proper fee was due to the director's failure to include proper instructions for filing the appeal in her decision.

We note, however, that the director's decision clearly advises the applicant and counsel that the appeal must be submitted on a Form I-290B, Notice of Appeal to the Administrative Appeals Unit. Although the decision advises the applicant that additional evidence and a supporting brief may be submitted, the director cited the regulation as 8 C.F.R. § 245a.20(a)(2) instead of subsection (b)(1). Nonetheless, instructions for filing the appeal are in the regulations, and counsel failed to submit the appeal in accordance with those instructions.

ORDER: The appeal is rejected as untimely filed.