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U.S. Citizenship
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FILE: MSC 02 234 61002

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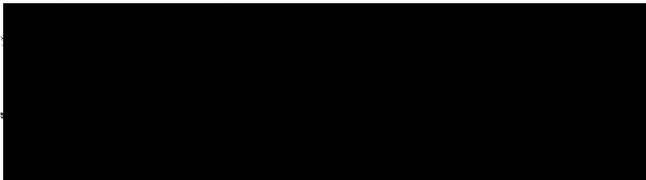
Date: AUG 14 2006

IN RE: Applicant:



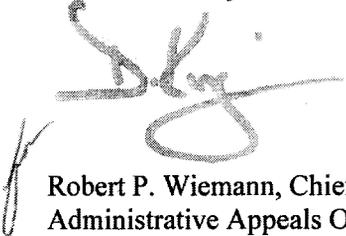
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

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, Dallas, Texas, 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.

Counsel indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that he would submit a brief and/or additional evidence within 30 days of filing the appeal. As of the date of this decision, more than two years after the appeal was filed, no further documentation has been received by the AAO. As the appeal was untimely filed, however, this issue is moot.

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. 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent her decision of June 16, 2004 to the applicant and counsel at their addresses of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 44 days later on July 30, 2004. Therefore, the appeal was untimely filed.

We note that counsel originally submitted the appeal to the Vermont Service Center, which returned the appeal, instructing counsel and the applicant that the appeal must be filed with the office that denied the application. We further note that the director specifically notified the applicant and counsel that the appeal must be filed with the Dallas District Office. Additionally, the regulation at 8 C.F.R. § 245a.20(b)(1) also provides instructions on the proper filing of an appeal. Counsel failed to file the appeal in accordance with the regulation.

ORDER: The appeal is rejected as untimely filed.