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FILE: [REDACTED] Office: CHICAGO  
MSC 02 064 60812

Date: AUG 14 2006

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:



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, Chicago, Illinois, 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 she had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988 as required by section 1104(c)(2)(B) of the LIFE Act.

On appeal, the applicant stated that she has been working as a teacher for 15 years and is a good citizen. The applicant indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that she would submit a brief and/or additional evidence within 30 days of filing the appeal. As of the date of this decision, more than 21 months 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 his decision of August 21, 2004 to the applicant at her address of record in the United States. We note that the applicant initially filed her appeal with the AAO. The regulation at 8 C.F.R. § 103.3(a)(2) provides, "The affected party shall file the compete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision." The AAO returned the appeal to the applicant with instructions on where to properly file the appeal. The Chicago District Office received the appeal on October 21, 2004, 61 days after the date of the director's decision. Therefore, the appeal was untimely filed.

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