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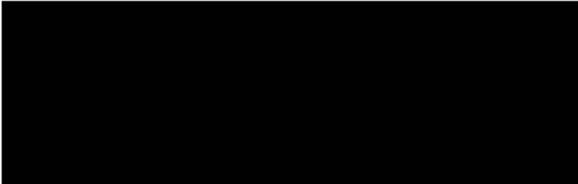
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CHICAGO

Date:

DEC 22 2006

MSC 02 141 62169

IN RE:

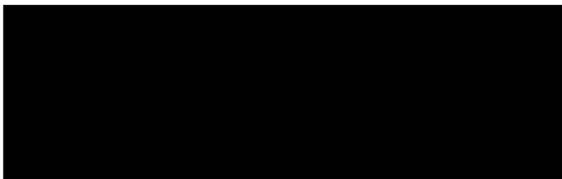
Applicant:



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. The file has 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, 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.

On appeal, counsel for the applicant asserts that the director's decision did not give proper weight to the evidence in the record and that the applicant is qualified for legalization under the LIFE Act. The applicant's I-290B, Notice of Appeal, states that counsel for applicant did not receive notice until March 25, 2004.

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)

The record reflects that the director sent his decision of March 11, 2004 to the applicant at her address of record, but failed to send notice to the Attorney of Record. The Notice of Intent to Deny (NOID) and Notice of Decision were not properly served on counsel in accordance with 8 C.F.R. § 292.5(a). The record shows that the applicant's I-290B, Notice of Appeal, was received on April 28, 2004, 48 days later. Therefore, the appeal was untimely filed. The AAO has no jurisdiction to review late appeals, but the Chicago District Director may sua sponte reopen and reissue both the NOID and Notice of Decision to the alien and counsel, pursuant to 8 C.F.R. § 245a.20(c).

ORDER: The appeal is rejected as untimely filed.