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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 03 224 61279

Office: NATIONAL BENEFITS CENTER

Date: JUN 01 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:

SELF-REPRESENTED

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 Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director concluded the applicant had not established that she or her parents had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000. The district director further determined that the applicant could not establish that she resided in the United States in a continuous unlawful status from before January 1, 1982 through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act, because she had been born on February 9, 1982. Based upon these determinations, the district director concluded that the applicant was ineligible to adjust to permanent residence under the provisions of the LIFE, and, therefore denied the application.

On appeal, the applicant asserts that her mother submitted a timely claim to class membership in a legalization class-action lawsuit prior to October 1, 2000, and that she qualified as a derivative beneficiary of her mother. The applicant provides copies of previously submitted documentation in support of her appeal.

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 April 1, 2004 to the applicant at her address of record. Citizenship and Immigration Services (CIS) received the appeal forty days later on May 11, 2004. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.