

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L2

FILE: [REDACTED]
MSC 01 324 60149

Office: MIAMI

Date: JUN 12 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.

A handwritten signature in black ink, appearing to read "D. King" or similar, written over a horizontal line.

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, Miami, Florida, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director determined that the applicant was inadmissible under section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (INA), because he had been convicted of a crime involving moral turpitude in the United States. The director further determined that the applicant was inadmissible under section 245A of the INA because he had been convicted of a felony or of three or more misdemeanors committed within the United States. Therefore, the district director concluded the applicant was ineligible for permanent resident status under the LIFE Act and denied the application

On appeal, counsel states that all of the applicant's criminal convictions within the State of Florida have been "pardoned through Executive Clemency of the Governor's Office."

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 April 16, 2004 to the applicant at his address of record within the United States. It is noted that the appeal was initially submitted to the AAO, who returned it to counsel advising that the appeal was improperly filed. We note also that the applicant was advised to file his appeal "with the office listed above." This language is ambiguous, as the director refers to both the district office and the AAO; however, the instructions on the Form I-290B clearly state that the appeal must be filed with the office that rendered the unfavorable decision. *See also* 8 C.F.R. § 103.3(a)(2)(i). The Miami District Office received the applicant's appeal on June 21, 2004, 66 days after the director's decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.