



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] MSC 02 257 60075

Office: SACRAMENTO

Date: JUL 25 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 District Director, San Francisco (Sacramento), California, 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. See section 1104(2)(c)(B) of the LIFE Act.

On appeal, the applicant requests a chance to submit additional evidence. However, as of the date of this decision, more than nine months after the appeal was filed, no further documentation has been received by the AAO. Therefore, the record will be considered complete as presently constituted.

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 October 18, 2004 to the applicant at his address of record within the United States. Citizenship and Immigration Services (CIS) received the appeal 42 days later on November 29, 2004. Therefore, the appeal was untimely filed.

Additionally, the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, is signed by M. Yehlen Brooks as attorney for the applicant. However, the record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing Mr. Brooks to act on behalf of the applicant. The regulation at 8 C.F.R. § 103.3(a)(2)(v) states:

Improperly filed appeal – (A) Appeal filed by person or entity not entitled to file it – (1) Rejection without refund of filing fee. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be refunded.

For this additional reason, the appeal will be rejected as filed by an unauthorized person.

ORDER: The appeal is rejected as untimely filed and not filed by an unauthorized person.