



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC 02 173 61436

Office: Dallas

Date: **MAY 24**

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

The district director determined that the applicant had not established 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.

On appeal, the applicant indicates that she has complied with a previous request from the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) to provide additional evidence in support of her claim of residence in the United States from prior to January 1, 1982 to May 4, 1988. The applicant asserts that she has provided sufficient evidence of residence in this country for the requisite period to adjust to permanent residence. The applicant provides copies of previously submitted documentation in support of the 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 December 18, 2003 to the applicant and counsel at their respective addresses of record. CIS received the appeal thirty-five days later on January 22, 2004. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.