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U.S. Department of Homeland Security
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U.S. Citizenship
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FILE:

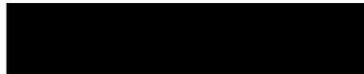
MSC 02 206 60885

Office: CHICAGO

Date: **NOV 15 2006**

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, Illinois, 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, and specifically that he was present from November 6, 1986 through May 4, 1988.

On appeal, counsel for the applicant restates portions of the Code of Federal Regulations and asserts that the applicant is eligible but fails to clearly articulate a basis for the appeal or provide any additional evidence establishing the applicant's physical presence from November 6, 1986 through May 4, 1988.

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 February 10, 2004 to the applicant and counsel at their respective addresses of record. The record shows that the applicant's I-290B, Notice of Appeal, was received on March 17, 2004, 36 days later. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.