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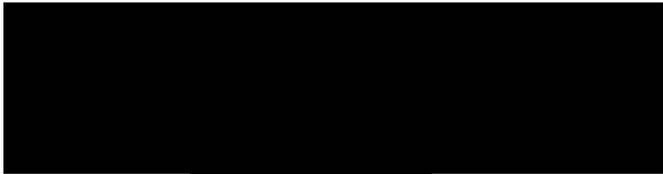
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: CHICAGO Date: NOV 27 2006
MSC 02 247 60762

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. Any further inquiry must be made to that office.

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 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 since before January 1, 1982 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. 8 C.F.R. § 245a.20(b)(1)

The record reflects that the Notice of Decision dated September 27, 2004 was mailed to the applicant at his address of record on September 29, 2004. Counsel dated the appeal November 8, 2004 and it was received by Citizenship and Immigration Services on November 10, 2004, 42 days after the decision was issued Accordingly, the appeal was untimely filed, and must be rejected.

It is noted that counsel, on appeal, asserted that Notice of Decision did not state any specific period of time in which to file an appeal. Counsel's assertion, however, is moot as the Form I-290B, Notice of Appeal, which accompanies the Notice of Decision, clearly indicates that an appeal must be filed within 30 calendar days after service of the decision (33 days if the decision is mailed). 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).

ORDER: The appeal is rejected as untimely filed.