



U.S. Citizenship
and Immigration
Services

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FILE:



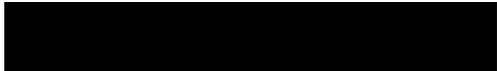
MSC 02 059 60020

Office: Chicago

Date: APR 26 2007

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 your case 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 she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988 as required by section 1104(c)(2)(B) of the LIFE Act.

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)

Citizenship and Immigration Services or CIS issued the notice of decision on December 30, 2004, and mailed a copy of this notice to the applicant at her address of record. The record contains a postal return receipt that was signed by the applicant and acknowledged her receipt of the notice. The record reflects that the applicant initially submitted the Form I-290B, Notice of Appeal, on March 23, 2005, 83 days after the decision was issued. However, rather than submitting the appeal Form I-290B to the proper CIS office as directed in the instructions contained in the notice of denial, the applicant submitted the appeal Form I-290B to the AAO. The AAO returned the appeal Form I-290B to the applicant and included instructions to her regarding the proper CIS office where she should file the appeal Form I-290B. It is noted that even if the appeal Form I-290B had been initially filed with the proper CIS office on March 23, 2005, such filing would have also considered as untimely.

The applicant subsequently filed the appeal Form I-290B with the correct CIS office on April 12, 2005, 103 days after the decision was issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.