



U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy**

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[Redacted]

FILE:

[Redacted]  
MSC 01 296 60260

Office: Chicago

Date: APR 26 2007

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:

[Redacted]

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 he 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.

The regulation at 8 C.F.R. § 245a.20(a)(2) provides, in pertinent part, “[a]n applicant affected under this part by an adverse decision is entitled to file an appeal on Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO) with required fee specified in § 103.7(b)(1) of this chapter.”

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 July 18, 2003, and mailed a copy of this notice to the applicant at his address of record. In this notice, the district director specifically informed the applicant that an appeal to the adverse decision must be submitted on the appeal Form I-290B. The record contains a postal return receipt that was signed by the applicant and acknowledged his receipt of the notice. However, the record shows that counsel submitted a Form I-29, Notice of Appeal to the Board of Immigration Appeals from a Decision of an INS Officer, rather than the required appeal Form I-290B on August 15, 2003. Therefore, the appeal Form I-29 cannot be considered to be a properly filed appeal pursuant to 8 C.F.R. § 245a.20(a)(2).

The Form I-290B, Notice of Appeal, was filed on May 5, 2005, 657 days after the decision was issued. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.