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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 02 192 61728

Office: LOS ANGELES

Date: FEB 09 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:

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, Los Angeles, California, 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. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

On his Form I-290B, Notice of Appeal to the Administrative Appeals Unit, the applicant stated that he needed an additional 30 days in which to try to obtain proof of his residency in the United States from 1982 through 1990. As of the date of this decision, however, more than 28 months after the appeal was filed, no further documentation has been received by the AAO. However, as the appeal was untimely filed, this issue is moot.

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 three days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent her decision of October 8, 2004 to the applicant at his address of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 82 days later on December 29, 2004. Therefore, the appeal was untimely filed.

We note that the record reflects that the applicant was convicted in the Superior Court of California, County of Los Angeles on May 12, 1997 for a violation of section 422 of the California Penal Code, making a terrorist threat, a misdemeanor. The applicant was placed on 36 months summary probation and ordered to perform 240 hours of community service.

ORDER: The appeal is rejected as untimely filed.