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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: LOS ANGELES Date: JAN 25 2007
MSC 02 032 60106

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: Self-represented

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, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant had failed to appear for his second interview in order to satisfied the “basic citizenship skills” required under section 1104(c)(2)(E) 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)

The record reflects that the director sent her decision of September 27, 2004 to the applicant at his address of record. The applicant dated the appeal August 9, 2005 and it was received by Citizenship and Immigration Services on August 12, 2005, over 11 months after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

It is noted for the record that the applicant, in a subsequent Form I-687 application, admitted in a signed sworn statement, in his native language, that he first entered the United States in 1987.

ORDER: The appeal is rejected as untimely filed.