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FILE: [REDACTED]
MSC 03 063 60147

Office: PROVIDENCE

Date: JUN 15 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. 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, Boston, Massachusetts, 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 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). The director also determined that the applicant had obtained an immigration benefit through fraud or misrepresentation in that she admitted to entering the United States using someone else's passport.

On appeal, counsel asserts that the applicant submitted ample evidence to establish her residency in the United States prior to January 1, 1982, and that the director failed to inform the applicant that she could apply for a waiver pursuant to 8 C.F.R. § 245a.2(b)(2). Counsel submits a brief and copies of previously submitted documentation in support of the appeal.

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 his decision of November 8, 2004 to the applicant via her representative. Citizenship and Immigration Services (CIS) received the appeal 36 days later on December 14, 2004. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.