



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 02 246 66150

Office: MIAMI

Date: MAR 23 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.

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, Miami, Florida, 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 appeal, counsel asserts that the applicant submitted sufficient evidence to establish “unequivocally” that he entered the United States prior to January 1, 1982 and remained in an unlawful status throughout the required period. Counsel indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that a brief and/or additional evidence would be submitted within 30 days of filing the appeal. As of the date of this decision, however, more than two years after the appeal was filed, no further documentation has been received by the AAO. However, this issue is moot as the appeal was untimely filed.

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 January 31, 2005 to the applicant and his former counsel at their addresses of record in the United States.¹ The appeal, originally submitted on March 2, 2005, was returned because it was not accompanied by a properly executed check for the filing fees. Citizenship and Immigration Services (CIS) received the properly filed appeal on March 9, 2005, 37 days after the director issued his decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.

¹ Different counsel represents the applicant on appeal.