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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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La

[Redacted]

FILE:

MSC 03 071 60054

Office:

[Redacted]

Date:

OCT 01 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:

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.

A handwritten signature in black ink, appearing to read "R. Wiemann", written over a circular stamp.

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, Dallas, Texas, and is now before the Administrative Appeals Office 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.

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 December 12, 2005 to the applicant at his address of record. The appeal was initially submitted on March 30, 2006; however, it was accompanied by an incorrect filing fee. The appeal with the correct filing fee was received by Citizenship and Immigration Services on May 11, 2006, five months days after the decision was issued. Accordingly, the appeal was untimely filed, and must be rejected.

Assuming, arguendo, the applicant had submitted the correct filing fee with the appeal on March 30, 2006, the appeal would have been rejected as untimely filed as it was received over three months after the decision was issued.

ORDER: The appeal is rejected as untimely filed.