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**U.S. Citizenship
and Immigration
Services**

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FILE:

MSC 02 079 61458

Office: NEW YORK

Date:

OCT 02 2007

IN RE:

Applicant:

[REDACTED]

APPLICATION:

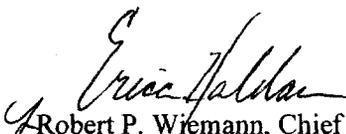
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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, New York, New York, 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 failed to establish continuous residence in the United States from prior to January 1, 1982, through May 4, 1988.

An adverse decision on an application for temporary resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of denial. 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). An appeal received after the thirty-day period has tolled will not be accepted. See 8 C.F.R. § 245a.2(p).

The district director issued the notice of denial on June 11, 2006, and mailed it to counsel and to the applicant's address of record. The district director instructed the applicant in the notice of denial to file his appeal with the New York District Office. Furthermore, the instructions on the Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO), state that the appeal is to be filed with the office that issued the notice of denial. However, the applicant mailed his appeal to the AAO. The applicant's appeal was received at the AAO on July 13, 2006. The AAO rejected the appeal and returned it to the applicant with instructions to file the appeal with the office that issued the notice of denial. The appeal was not properly filed until it was received at the New York District Office on July 21, 2006, 40 days after the issuance of the denial decision. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.