

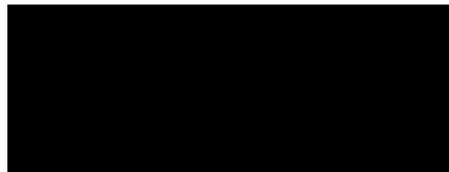
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U.S. Department of Homeland Security
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U.S. Citizenship
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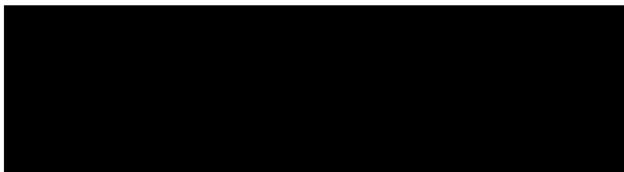
FILE: [Redacted]
MSC 03 242 62268

Office: NATIONAL BENEFITS CENTER Date: OCT 05 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:



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.

for *Michael F. Kelly*
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 Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director determined that the applicant had been convicted of a felony or three or more misdemeanors and therefore, pursuant to 8 C.F.R. § 245a.18(a), was inadmissible to the United States. Accordingly, the director denied the application for adjustment of status as a permanent resident.

On appeal, the applicant states that the director "mistakenly denied" his application for adjustment of status. The applicant states 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 42 months after the appeal was filed, no further documentation has been received by the AAO. However, as the appeal is untimely filed, this issue is moot.

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 February 17, 2004 to the applicant at his address of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 35 days later on March 23, 2004. Therefore, the appeal was untimely filed.

The record reflects that the applicant was arrested and charged with the following offenses by the Santa Ana Sheriff's Office:

September 9, 1982	Burglary and receipt or possession of known stolen property
March 4, 1983	Possession, manufacture or sale of a dangerous weapon
August 27, 1983	Failure to pay fine, receipt or possession of known stolen property
March 3, 1985	Possession of toluene and inhalation of poisonous fumes
February 6, 1986	Presenting false identification to a peace officer
August 22, 1986	Petty theft
August 25, 1986	Burglary

The record does not contain an official disposition of these offenses.

ORDER: The appeal is rejected as untimely filed.