



U.S. Citizenship
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FILE: [REDACTED]
MSC-02-248-63177

Office: LOS ANGELES

Date: OCT 11 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. 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, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application for lack of prosecution because she found the applicant failed to appear for two scheduled interviews.

An adverse decision on an application for permanent resident status under the LIFE Act may be appealed to the Administrative Appeals Office. Any appeal filed from within the United States must be received by United States Citizenship and Immigration Services within thirty (30) calendar days after service of the notice of denial (NOD). An appeal received after the thirty-day period has tolled will not be accepted. The 30 day period for submitting an appeal begins 3 days after the NOD is mailed. *See* 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent her decision of January 9, 2006 to the applicant at his address of record.

The Form I-290B appeal was submitted on March 24, 2006, more than two months after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

The record indicates the applicant sent an Alien's Change of Address Card to the Los Angeles District Office on January 3, 2005, but this information appears not to have been received prior to issuance of the decision. It is noted that, pursuant to 8 C.F.R. § 210.2(g), the director may *sua sponte* reopen any adverse decision. Additionally, the director may certify any such decision to the AAO. *See* 8 C.F.R. § 210.2(h).

ORDER: The appeal is rejected as untimely filed.