

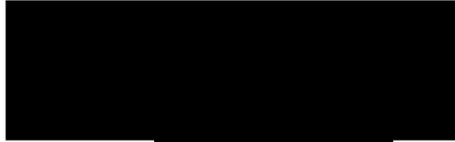


U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

L2



FILE:

MSC-02-215-63425

Office: NEW YORK

Date: OCT 11 2007

IN RE:

Applicant:



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. 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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because she found the applicant failed to overcome the grounds for denial included in the Notice of Intent to Deny. Specifically, the applicant failed to submit credible documents that could be independently verified that constitute a preponderance of evidence as to her residence in the United States during the statutory period.

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 September 25, 2006 to the applicant at her address of record.

The Form I-290B appeal was initially erroneously sent directly to the AAO and was rejected on October 24, 2006. The Form I-290B was properly submitted on November 2, 2006, 38 days after the director's decision. Therefore, the appeal was untimely filed, and must be rejected.

**ORDER:** The appeal is rejected as untimely filed.