



U.S. Citizenship  
and Immigration  
Services

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L-2

[Redacted]

FILE: [Redacted] MSC-02-052-62322

Office: CHICAGO

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:

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

The director denied the application because he found the applicant failed to establish by a preponderance of the evidence that he meets the requirements to adjust status under the LIFE Act.

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 his decision of March 29, 2005 to the applicant at his address of record. According to a United States Postal Service return receipt, the decision was received by signature at the applicant's address of record on March 30, 2005.

The applicant inquired about the status of his case on January 9, 2007. At this time, the applicant stated that he did not receive the decision in his case and that he had submitted a change of address form in 2003. The record does not indicate the applicant submitted a change of address form. Copies of the Notice of Intent to Deny and final decision were mailed to the applicant on January 29, 2007. The Form I-290B appeal was submitted on March 19, 2007, nearly two months after the applicant was provided with an additional copy of the decision and nearly two years after the decision was initially issued. Therefore, the appeal was untimely filed, and must be rejected.

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