

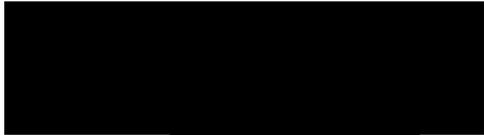
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 02 249 65419

Office: LOS ANGELES

Date: **OCT 29 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. 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.

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

The director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

On appeal, the applicant states that he presented sufficient evidence to meet the eligibility requirements of the LIFE Act, and that the director did not challenge either the credibility or the authenticity of the affidavits he submitted in support of his application. The applicant submitted a brief and an additional document in support of the appeal. The applicant further stated on the Form I-290B, Notice of Appeals to the Administrative Appeals Office (AAO), that he needed an additional 60 days in which to submit a brief and/or additional evidence. However, as of the date of this decision, more than nine months after the appeal was filed, the AAO has received no additional documentation. However, as the appeal was 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 her decision of October 26, 2006 to the applicant at his address of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 77 days later on January 11, 2007. Therefore, the appeal was untimely filed. We note that the applicant's appeal is undated; however, the envelope was postmarked on December 1, 1006, 35 days after the director issued her decision.

The record reflects that on October 5, 1993, the applicant was convicted of inflicting corporal injury on a spouse in violation of California Penal Code 273.5(a), and on October 28, 1997 of driving under the influence of alcohol or drugs in violation of California Vehicle Code [REDACTED]. The applicant was sentenced to 15 days in the county jail and placed on 24 months probation for the former offense, and placed on three years probation and ordered to pay a fine of \$1,458 for the second offense. Both convictions were for misdemeanor offenses.

ORDER: The appeal is rejected as untimely filed.