

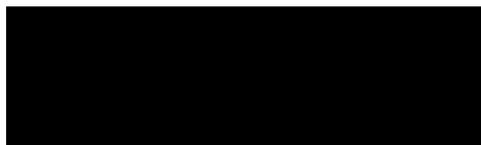
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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-02-102-61718

Office: LOS ANGELES, CA

Date: **SEP 12 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 National Benefits Center. 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, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Los Angeles, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director concluded that the applicant did not demonstrate that he was eligible to adjust to permanent residence because he did not establish that he met the qualifications under the provisions of the LIFE ACT under 8 C.F.R. § 254a.12(e) as he had not established, by a preponderance of the evidence, that he resided in the United States for the duration of the requisite period. Specifically, the director stated in her Notice of Intent to Deny (NOID) that documents submitted by the applicant did not establish that he entered the United States before January 1, 1982 and then resided continuously in an unlawful status from that date and through May 4, 1988. The applicant was afforded thirty (30) days to submit additional evidence in support of his claim of having maintained continuous residence in an unlawful status during the requisite period. However, the director found that the evidence the applicant submitted did not overcome her grounds for denial as stated in her NOID. Therefore, the director denied the application.

On appeal the applicant submits a statement saying that he submitted additional evidence as requested by the Service by certified mail. He also submits photocopies of his certified mail receipts.

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 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b) (1). If the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, nor a legal holiday. 8 C.F.R. § 1.1(h).

The record reflects that the director sent her decision of January 26, 2004 to the applicant at his address of record. Citizenship and Immigration Services (CIS) received the appeal fifty-seven (57) days later on March 23, 2004. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.