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U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-02-197-63045

Office: DETRIOT, MI

Date: **SEP 14 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:



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

The director concluded that the applicant did not establish, by a preponderance of the evidence, that he maintained continuous residence in an unlawful status in the United States from January 1, 1982 to a period of time between May 5, 1987 and May 4, 1988. Specifically, the director noted in her decision that the applicant stated at the time of his interview and then signed a sworn statement indicating that, though he entered the United States illegally in May of 1981, he then left and re-entered in July of 1986 with a valid B-2 visitor's visa. The director went on to say that this indicated that the applicant did establish that he had resided continuously in the United States in an unlawful status between January 1, 1982 and May 4, 1988. Therefore, the director denied the Application for Adjustment of Status.

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 issued her decision on March 30, 2005, and mailed it to the applicant's address of record. Citizenship and Immigration Services (CIS) received the appeal thirty-six (36) days later on May 5, 2005. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.