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U.S. Citizenship  
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FILE:

MSC 02 143 64193

Office: CHICAGO

Date:

SEP 28 2007

IN RE:

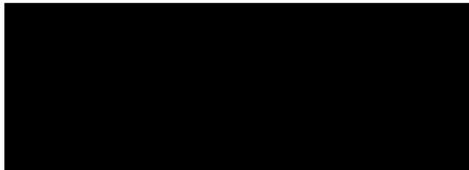
Applicant:



APPLICATION:

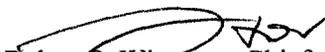
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. 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, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status from 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, counsel asserts that neither the applicant nor counsel received the director's Notice of Intent to Deny, and that the applicant has sufficient proof to establish eligibility for benefits under the LIFE Act. Counsel submits a letter and additional documentation in support of the appeal.

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 his decision of January 26, 2005 to the applicant at his address of record in the United States. The director did not advise the applicant or provide any instructions on the applicant's appellate rights under the LIFE Act. However, the requirements for filing an appeal are also set forth in 8 C.F.R. § 245a.20(b). Furthermore, the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, specifically instructs the appellant that the form must be filed with the office that rendered the adverse decision. Counsel, however, submitted the appeal directly to the AAO, which returned it with instructions on where the appeal should be filed. Citizenship and Immigration Services (CIS) received the appeal on June 6, 2005, 131 days after the director issued his decision. Therefore, the appeal was untimely filed.

We note that the appeal would have been late even had counsel initially submitted the Form I-290B, dated May 18, 2005, to the Chicago District Office, as the appeal is dated more than 30 days after the director's decision.

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