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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] MSC 02 285 61509

Office: CHICAGO

Date: **SEP 28 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, 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 she 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, the applicant submitted phone numbers for those who submitted affidavits in support of her application. The applicant stated on her Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that a brief and/or additional evidence would be submitted within 30 days of filing the appeal. However, as of the date of this decision, more than 26 months after the appeal was filed, the AAO has received no further documentation. As the appeal was untimely filed, however, 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 his decision of May 16, 2005 to the applicant at her address of record in the United States. The applicant submitted her appeal to the district office; however, the appeal was returned because the applicant failed to submit a money order for the fee. The regulation at 8 C.F.R. § 245a.20(b) requires that "[a]ny appeal shall be submitted to the Service office that rendered the decision with the required fee." Citizenship and Immigration Services (CIS) received the properly filed appeal on July 8, 2005, 53 days after the director issued his decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.