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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

62

FILE: [Redacted] Office: DALLAS Date: **APR 01 2008**  
MSC 02 198 60603

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:  
[Redacted]

**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 District Director, Dallas, Texas, is now on appeal before the Administrative Appeals Office (AAO). 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.

An adverse decision on an application for permanent resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed within thirty (30) days after service of the notice of denial. The 30-day period for submitting an appeal begins 3 days after the Notice to Deny is mailed. 8 C.F.R. § 245a.20(b)(1). An appeal received after the thirty-day period has tolled will not be accepted. *See* 8 C.F.R. § 245a.2(p).

A review of the record reveals that the district director mailed a Notice to Deny the application to the applicant's attorney of record on May 28, 2005. The director's decision clearly advised that any appeal must be properly filed within thirty-three days after service of the decision. 8 C.F.R. § 103.3(a)(2)(i). In this case, the appeal should have been filed on or before June 30, 2005; however, it was not properly filed until November 23, 2005.

Based upon the failure to file a timely appeal, the appeal will be rejected.

**ORDER:** The appeal is rejected.