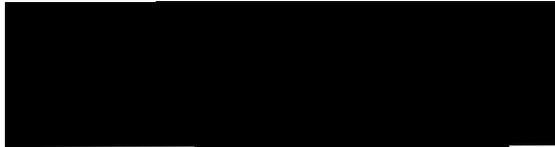


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prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
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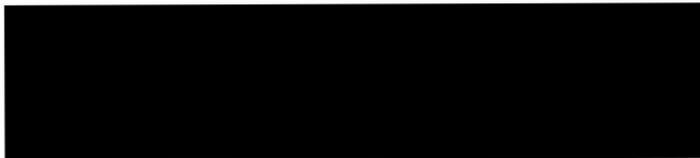
Office: LOS ANGELES

Date: APR 01 2008

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. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director determined that the applicant had been convicted of three or more misdemeanors and therefore, pursuant to 8 C.F.R. § 245a.18(a), was inadmissible to the United States. Accordingly, the director denied the application for adjustment of status as a permanent resident.

On appeal, counsel states that the applicant's conviction for violating section 16028 of the California Vehicle Code is not a conviction or a misdemeanor for immigration purposes.

The Form I-290B, Notice of Appeal to the Administrative Appeals Unit, is not signed. The regulation at 8 C.F.R. § 103.2(a)(1) provides, in part, that "[e]very application, petition, appeal, motion, request . . . shall be executed and filed in accordance with the instructions on the form, such instructions . . . being hereby incorporated into the particular section of the regulations in this chapter requiring its submission." The instructions at item six on the Form I-290B specifically require a signature on this form when the decision is appealed.

As the Form I-290B was not signed by applicant or anyone authorized to act on his behalf in accordance with 8 C.F.R. § 103.2(a)(3), the appeal has not been properly filed, and must be rejected.

Additionally, the appeal was untimely filed.

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 her decision of December 1, 2005, to the applicant at his address of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 57 days later on January 27, 2006. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected.