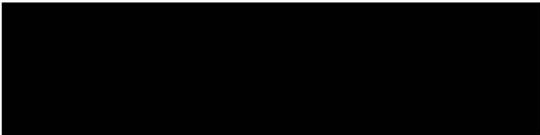


**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

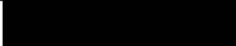


**U.S. Citizenship  
and Immigration  
Services**

**PUBLIC COPY**



*62*

FILE:   
MSC 02 208 60286

Office: LOS ANGELES

Date: APR 01 2008

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, Los Angeles, California, 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 the applicant “is being required to provide evidence in support of [his] application in excess of that required by recent judicial orders and administrative requirements.”

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 14, 2005, to the applicant and counsel at their addresses of record in the United States. The applicant and counsel were advised that the appeal must be submitted to the office that rendered the decision on his case. However, counsel submitted the appeal directly to the AAO, who returned it with instructions on where the appeal must be filed. Citizenship and Immigration Services (CIS) received the properly filed appeal on January 27, 2006, 44 days after the director issued her decision. Therefore, the appeal was untimely filed.

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