

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

L2



FILE:

MSC 02 243 66970

Office: SAN ANTONIO

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:

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, San Antonio, Texas, 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 states that proper weight was not given to the affidavits of witnesses.

The record contains a Form G-28, Notice of Appearance as Attorney or Representative, signed by [REDACTED]. However, [REDACTED] was suspended from the practice law before the immigration courts on October 22, 2004.<sup>1</sup> Accordingly, the AAO cannot recognize [REDACTED] as an authorized representative in this proceeding.

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 is 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 July 3, 2003, to the applicant at her address of record in the United States. Citizenship and Immigration Services (CIS) received the appeal 34 days later on August 6, 2003. Therefore, the appeal was untimely filed.

**ORDER:** The appeal is rejected.

---

<sup>1</sup> It is noted that an attorney who is currently on the list of suspended and expelled practitioners represents the applicant. (See <http://usdoj.gov/eoir/profcond/chart.htm>, accessed on March 5, 2008.) Therefore, CIS may not recognize counsel in this proceeding.