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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
MSC 02 248 64169

Office: GARDEN CITY, NY

Date: **DEC 31 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:

[REDACTED]

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 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.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: On September 17, 2007, the Director, Garden City, New York, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely.

The director denied the application because the applicant had failed to establish that he satisfied the continuous residence requirement under section 1104(c)(2)(B) of the LIFE Act.

If an appeal is filed from within the United States, it must be received by U.S. Citizenship and Immigration Services (CIS) within 30 days after service of the Notice of Denial, and an appeal received after the 30-day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1). The 30-day period for submitting an appeal begins 3 days after the Notice of Denial is mailed. *Id.*

The director issued the Notice of Decision on September 17, 2007, and mailed it to the applicant's and counsel's addresses of record. On October 16, 2007, counsel filed the Form I-290B with a check in the incorrect amount. On October 19, 2007, the appeal was rejected. Counsel did not re-file the appeal with the proper fee until October 30, 2007, 43 days after the denial of the application by the director. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.