

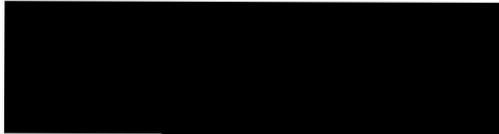
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File:

MSC 02 197 64303

Office: NEW YORK Date:

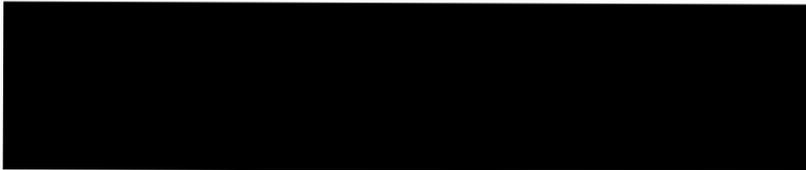
IN RE:

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).

IN BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. 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, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The district director denied the application, noting that the applicant had failed to demonstrate that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988 as required by section 1104(c)(2)(B) of the LIFE Act. Specifically, the director found that the record contained insufficient evidence to support the claims of the applicant.

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 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1).

The record indicates that the director issued the decision on Wednesday, March 22, 2006, and mailed a copy of this notice to the applicant and counsel at their respective addresses of record. The record shows that the notices were not returned by the United States Postal Service as unclaimed or undeliverable. According to the date stamp on the Form I-290B Notice of Appeal, it was received by Citizenship and Immigration Services (CIS) on Tuesday, April 25, 2006, or 34 days after the decision was issued. Accordingly, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.