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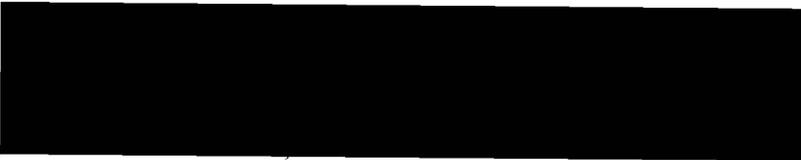
MAY 05 2008

File:  Office: DETROIT Date:
MSC 01 305 60216

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 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.

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, Detroit, 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 unresolved inconsistencies in the evidence and the confirmation of fraudulent documentation submitted cast doubt upon the validity of the applicant's claims.

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 January 28, 2005, and mailed a copy of the notice to the applicant under the care of counsel at counsel's address of record. The record shows that the notice was 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 March 15, 2005, or 46 days after the decision was issued. Accordingly, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.