

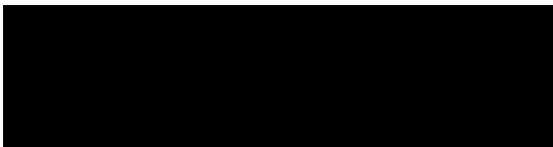
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**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED]
MSC 02 071 65184

Office: LOS ANGELES

Date: **MAY 05 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Records Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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 director denied the application due to abandonment because the applicant failed to submit the requested documentation.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Therefore, as the original decision to deny the application was not appealable to the AAO, the appeal must be rejected.

Additionally, 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 pertinent 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 her behalf in accordance with 8 C.F.R. § 103.2(a)(3), the appeal has not been properly filed, and must be rejected.

Finally, the Form I-290B was 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 December 22, 2004, to the applicant at her address of record in the United States. Citizenship and Immigration Services (CIS) received the Form I-290B, 70 days later on March 2, 2005. Therefore, the appeal was untimely filed.

The record reveals that on June 9, 2005, the applicant filed a Form I-687, Application for Status as a Temporary Resident, pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements) under CIS receipt number MSC 05 252 11479. The director denied the application on June 4, 2006. The applicant’s appeal of that decision is not at issue in this decision.

ORDER: The appeal is rejected.