

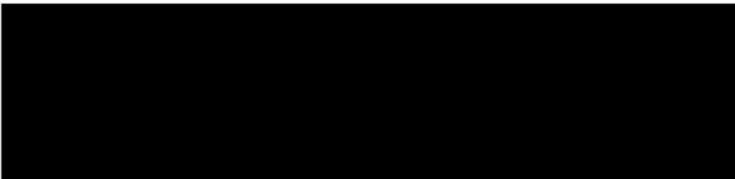
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC-01-350-60876

Office: NEWARK

Date: MAY 13 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:



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 Benefits 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.

A handwritten signature in black ink, appearing to read "R. P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Application for Permanent Resident Status pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Newark, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period.

An adverse decision regarding temporary resident status may be appealed to the AAO. Any appeal with the required fee shall be filed with the Regional Processing Facility within thirty (30) days after service of the denial notice. An appeal received after the thirty-day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1). Whenever a person has the right or is required to do some act within a prescribed period after the service of notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

The director issued the denial notice on December 8, 2007, and mailed it to the applicant's address of record. Citizenship and Immigration Services received the appeal on January 11, 2008, thirty-four (34) days after the date indicated on the denial notice. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected as untimely filed.