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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
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Services

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FILE: [Redacted] MSC 02 059 61248

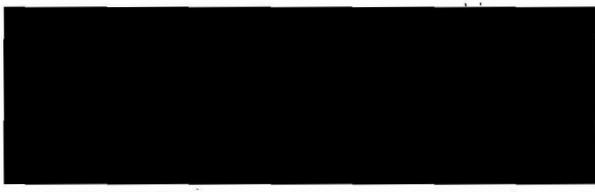
Office: BALTIMORE

Date: AUG 04 2006

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:



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 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, Baltimore, Maryland, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988 as required by section 1104(c)(2)(B) of the LIFE Act, and was continuously physically present in the United States from November 6, 1986 through May 4, 1988, as required by section 1104(c)(2)(C) of the LIFE Act.

On appeal, counsel asserts that the director's decision was arbitrary, capricious, not supported by the facts, and contrary to the law. Counsel indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that he needed 60 days within which to submit a brief and/or additional evidence. As of the date of this decision, more than 23 months after the appeal was filed, no further documentation has been received by the AAO. As the appeal was untimely filed, however, this issue is moot.

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 his decision of June 25, 2004 to the applicant and counsel at their addresses of record in the United States. The district office returned the applicant's appeal on July 19, 2004 for failure to file the proper fee. Citizenship and Immigration Services (CIS) received the appeal, with the proper fee, on August 13, 2004, 49 days after the date of the director's decision. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.