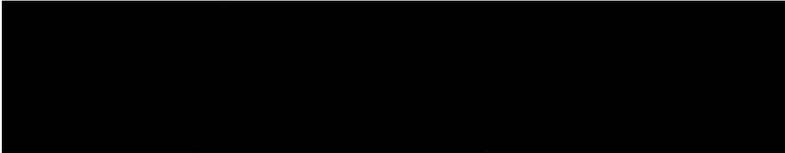




U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



L2

FILE: [redacted]
MSC 01 355 61576

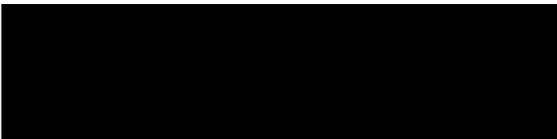
Office: CHICAGO

Date: APR 20 2007

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, Chicago, Illinois, 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. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

On appeal, counsel asserts that the applicant submitted sufficient evidence to establish his residency in the United States prior to January 1, 1982. Counsel indicated on the Form I-290B, Notice of Appeal to the Administrative Appeals Unit, that he needed 60 days in which to submit a brief and/or additional evidence in support of the appeal. As of the date of this decision, however, more than 34 months after the appeal was filed, no further documentation has been received by the AAO. However, as the appeal was untimely filed, 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).

Counsel asserted on the Form I-290B that the applicant received the Notice of Decision on April 15, 2004. However, the record contains a PS Form 3811, Domestic Return Receipt, which was signed by the applicant on March 27, 2004 acknowledging receipt of the denial notice. The Chicago Service Center received the appeal on May 13, 2004, 47 days after the decision was issued. The appeal was untimely filed and, therefore, must be rejected.

ORDER: The appeal is rejected as untimely filed.