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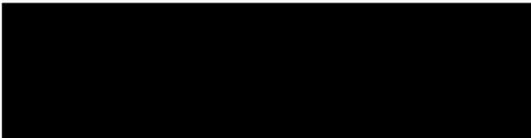
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] MSC 03 172 61706

Office: LOS ANGELES

Date: OCT 04 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:

SELF-REPRESENTED

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, Los Angeles, California, 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).

The applicant filed a motion to reopen on May 30, 2007. Pursuant to 8 C.F.R. § 245a.20(c), except for decisions reopened *sua sponte* by the director who issued the adverse decision, motions to reopen a decision "shall not be considered" under the LIFE Act. However, the applicant's motion to reopen was apparently forwarded to the AAO pursuant to 8 C.F.R. § 103.3(a)(2)(iv).

The applicant asserts that he meets all of the requirements of the LIFE Act., and submits a brief in support of the Form I-290B, Notice of Appeal or Motion.

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 August 22, 2006 to the applicant at his address of record in the United States. Citizenship and Immigration Services (CIS) received the Form I-290B on May 30, 2007, more than nine months after the director issued her decision. Therefore, the Form I-290B was untimely filed.

ORDER: The appeal is rejected as untimely filed.