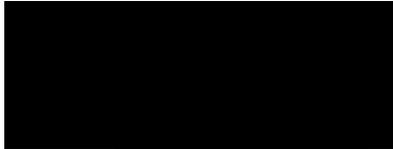


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U.S. Citizenship  
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Services

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FILE:



Office: NEW YORK

Date:

**OCT 11 2007**

MSC 02 036 61315

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. The file has been returned to the National Benefits Center. 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, New York, New York, 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 failed to demonstrate continuous unlawful residence in the United States from before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that the director mistakenly denied the instant application as the applicant submitted evidence in response to the director's Notice of Intent to Deny.

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 3 days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1)

The record reflects that the director sent the decision of February 24, 2006, to the applicant and counsel at their addresses of record. Citizenship and Immigration Services (CIS) received the appeal 165 days later on August 8, 2006. Therefore, the appeal was untimely filed.

**ORDER:** The appeal is rejected as untimely filed.