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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 03 028 61301

Office: ORLANDO

Date: APR 17 2008

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. 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, Orlando. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The director denied the application because the applicant had failed to establish that he satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act.

If an appeal is filed from within the United States, it must be received by U.S. Citizenship and Immigration Services (CIS) within 30 days after service of the Notice of Decision. An appeal received after the 30-day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1). The 30-day period for submitting an appeal begins 3 days after the Notice of Decision is mailed. *Id.*

The director issued the Notice of Decision on December 7, 2007, and mailed it to the applicant's and counsel's addresses of record. The appeal was not deemed properly filed until January 17, 2008, when it was received with the proper fee attached, 41 days later. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.