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U.S. Citizenship
and Immigration
Services

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FILE:

MSC 03 249 61662

Office: LOS ANGELES

Date:

SEP 29 2008

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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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 Director, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant failed to demonstrate that he resided in the United States in a continuous, unlawful status from before January 1, 1982, through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act.

On appeal, the applicant maintains that he entered the United States in 1981. He asserts that during his interview he got confused with the dates and responded quickly to the questions without taking the time to think about what he was being asked. He contends that his wife came to him in the United States in 1981 and 1983, not in 1987 and 1988 as stated in the Notice of Decision (NOD). The applicant provides copies of previously submitted evidence, but no new evidence to support his assertions.

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 NOD is mailed. 8 C.F.R. § 245a.20(b)(1)

The record reflects that the director sent the decision on April 17, 2007, to the applicant at his address of record. Citizenship and Immigration Services (CIS) received a Form I-290B, Notice of Appeal to the Administrative Appeals Office, from the applicant on May 13, 2007. However, the Form I-290B failed to contain a valid signature from the applicant. On May 15, 2007, the appeal was properly rejected for lack of a valid signature. On June 25, 2007, the applicant properly filed his appeal with CIS, 69 days after the NOD. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.