

PUBLIC COPY



U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

L2

FILE: [REDACTED]  
MSC 02 184 60581

Office: LOS ANGELES

Date: APR 10 2009

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

  
John F. Grissom  
Acting 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, counsel, on behalf of the applicant, asserts that the director mailed the decision to the applicant's wrong address and, therefore, an appeal could not be filed in a timely manner. Counsel also asserts that the director's decision is erroneous and that the director failed to properly evaluate the submitted evidence.

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 her decision of October 21, 2005, to the applicant at his address of record at [REDACTED]. Upon thorough review, the record does not reflect that the applicant or counsel submitted a change of address for the applicant's current address at [REDACTED] or any other address. Therefore, the director mailed her decision to the applicant's proper address of record. U.S. Citizenship and Immigration Services (USCIS) received the appeal over two years later on February 11, 2008. Therefore, the appeal was untimely filed.

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