

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal **PUBLIC COPY**



**U.S. Citizenship  
and Immigration  
Services**

**PUBLIC COPY**

L2

FILE: [REDACTED]  
MSC 02 138 61996

Office: LOS ANGELES

Date: **JUL 27 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:

[REDACTED]

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. Specifically, the director noted that the applicant failed to submit credible affidavits and that the applicant exceeded the permitted 45 days absence from the United States in 1986. The director also noted that the applicant failed to respond to the Notice of Intent to Deny (NOID).

On appeal, counsel asserts that the applicant never received the NOID and requests the opportunity to review the NOID and respond. Counsel also requests a copy of the Record of Proceedings (ROP) and states that a brief and/or additional evidence will be submitted to the AAO within 30 days from receipt of the ROP. The record reflects that this request was processed on May 18, 2009. As of the date of this decision, no brief or additional evidence has been received; therefore, the record will be considered complete.

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

The record reflects that the director sent the decision on November 23, 2005, to the applicant via counsel's address of record. The appeal was filed on January 17, 2006, 55 days after the NOD. Therefore, the appeal was untimely filed.

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