



U.S. Citizenship
and Immigration
Services

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FILE:



Office: DENVER

Date: JAN 26 2005

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: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Denver, Colorado, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director decided that the applicant had not established 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. This decision was based on the director's determination that the applicant had exceeded the forty-five (45) day limit for single absences from the United States during this period, as set forth in the regulations at 8 C.F.R. § 245a.15(c)(1).

On appeal, the applicant states:

On my absence from the U.S.A. in March of 1985 thru January 1986, this was due to an illness. I went to Mexico, and got a seizure, and the doctor discovered that this was due to epilepsy. I was under treatment for this thru January of 1986. During this time, I did do some work to support myself and my family, but I was told nor [sic] to travel long distances.

I hope that this decision will be overturned, because I really consider the U.S.A. to be my home, I have lived here so long, and I have always been a law abiding person. I am still employed full time, and my sickness is under control. I am on medication [sic] thru a doctor here in the United States.

An affected party filing from within the United States, as in this case, 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. *See* 8 C.F.R. § 245a.20(b) (1).

The record reflects that the director's decision of July 18, 2003 was sent to the applicant at his address here in the United States. The denial letter said to file the appeal at the Denver District Office within the allowed time period. As that office did not receive the appeal until October 22, 2003, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.