

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



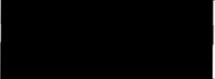
U.S. Citizenship
and Immigration
Services

PUBLIC COPY



L2

FILE:



Office: SAN FRANCISCO

Date: SEP 22 2006

MSC 02 137 63362

IN RE:

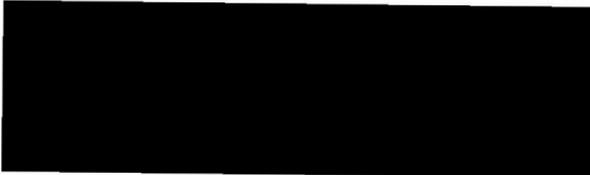
Applicant:



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. Any further inquiry must be made to that office.

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, San Francisco, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application because the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

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 his Notice of Decision of November 9, 2004 to the applicant and to counsel at their addresses of record. The Form I-290B, Notice of Appeal is very clear in indicating that the appeal is not to be sent directly to the AAO. Likewise, the Notice of Decision indicates that the Form I-290B “shall be executed and filed with this office, together with the required fee.” The applicant, nevertheless, sent her appeal to the AAO, which was received on December 15, 2004. The appeal is not considered properly received until it is received by the district office which rendered the unfavorable decision. The appeal was properly received at the respective district office on December 28, 2004, 49 days after the adverse decision was issued. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.