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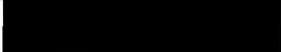


U.S. Citizenship
and Immigration
Services



L2

FILE:



Office: Detroit

Date:

SEP 26 2006

MSC 02 010 61996

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:

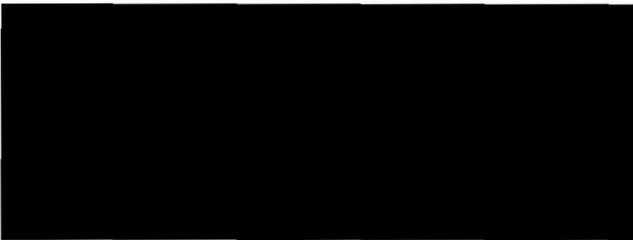


EXHIBIT COPY

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 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.

Mari Johnson

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, Detroit, Michigan, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director determined that the applicant was ineligible to adjust to permanent resident status under the provisions of the LIFE Act because he had been convicted of two felonies in the United States. *See* section 1104(c)(2)(D)(ii) of the LIFE Act. The district director further determined that the applicant's entry into the United States with a B-2 visitor's visa on February 14, 1987 was a lawful entry and had broken his continuous unlawful residence in this country from before January 1, 1982 through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act. Therefore, the district director concluded the applicant was ineligible for permanent resident status under the LIFE Act and denied the application.

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)

Citizenship and Immigration Services or CIS issued the notice of decision on June 14, 2006, and mailed a copy of this notice to the applicant in care of counsel at counsel's address of record. The record shows that the notice was not returned by the United States Postal Service as either unclaimed or undeliverable. Counsel filed the Form I-694, Notice of Appeal on July 24, 2006, 40 days after the decision was issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.