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



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: HOUSTON Date: **SEP 14 2007**
MSC-03-253-61713

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. All documents have 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.


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

The director denied the application because the applicant had failed to establish that she satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act.

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 denial is mailed. 8 C.F.R. § 245a.20(b)(1). An applicant may be represented by an attorney or representative in accordance with 8 C.F.R. § 292. 8 C.F.R. § 103.3(a)(1)(iii)(B). The person acting in a representative capacity must be "authorized and qualified to represent," and a notice of appearance (Form G-28) must be signed by the applicant to authorize representation in order for the appearance to be recognized by the U.S. Citizenship and Immigration Services (CIS). 8 C.F.R. § 292.4.

The director issued a Notice of Intent to Deny (NOID) on January 3, 2005. The director issued a final notice of denial on April 18, 2005 and mailed it to the applicant's address of record and to the applicant's attorney, [REDACTED] who had submitted a signed Form G-28 and responded to the NOID. On appeal, the applicant was not represented by [REDACTED]. Instead, [REDACTED] a Notary Public, filed the appeal on her behalf. In the absence of a signed Form G-28, however, [REDACTED] is not authorized to represent the applicant. Therefore, this decision will be furnished to the applicant and to her attorney of record, [REDACTED].

The appeal was received by Citizenship and Immigration Services (CIS) on June 13, 2005, 56 days after the notice of denial was issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected.