

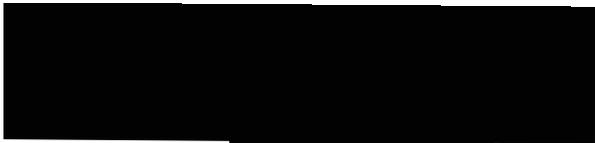
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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LC

FILE: [REDACTED]
MSC 02 235 61963

Office: CHICAGO

Date: **APR 29 2008**

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:

SELF-REPRESENTED

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.

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, Chicago, Illinois, 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 not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982, through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

On appeal, the applicant states that he is “of the opinion that injustice has been done to me in scrutinizing my case.” The applicant submits a brief and additional documentation in support of the appeal.

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 three days after the Notice of Decision is mailed. 8 C.F.R. § 245a.20(b)(1).

The record reflects that the director sent his decision of February 28, 2005, to the applicant at his address of record in the United States. The decision was sent to the applicant via certified mail, return receipt requested. The PS Form 3811, Domestic Return Receipt, indicates that the applicant received and signed for the letter on March 2, 2005. Citizenship and Immigration Services (CIS) received the appeal more than eight months later on November 21, 2005. Therefore, the appeal was untimely filed.

The record contains an October 21, 2005, letter from the Chicago District Office, notifying the applicant that his application had been denied on February 28, 2005, and giving the applicant 30 days from the date of the letter to file an appeal. The record contains no evidence that the applicant requested the extension or alleged that good cause existed as to why his appeal was not filed timely. Furthermore, the regulation at 8 C.F.R. § 245a.20(b) does not authorize an extension for filing an appeal of the denial of a LIFE Act application.

ORDER: The appeal is rejected as untimely filed.