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**U.S. Citizenship  
and Immigration  
Services**

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[REDACTED]

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FILE: [REDACTED]  
MSC-03-227-60461

Office: MANCHESTER Date: DEC 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:

[REDACTED]

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.

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Manchester, New Hampshire and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because he determined that the applicant did not establish, by a preponderance of the evidence, that he maintained continuous residence in the United States from January 1, 1982 to a period of time between May 5, 1987 and May 4, 1988. Specifically, the director noted in his decision that the record contained a statement made under oath by the applicant in 1987 in which he stated that he first entered the United States in 1983. As this indicates that the applicant did not first enter the United States prior to January 1, 1982, the director found that the applicant failed to establish eligibility for the benefit sought.

An adverse decision regarding temporary resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of denial. An appeal received after the thirty-day period has tolled will not be accepted. *See* 8 C.F.R. § 245a.2(p). Pursuant to 8 C.F.R. § 103.5a(b), whenever a person has the right or is required to do some act within a prescribed period after the service of notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. If the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, nor a legal holiday. 8 C.F.R. § 1.1(h).

The director issued his decision on August 11, 2006, and mailed it certified mail return receipt to both the applicant and of his representative of record.

The applicant argues on appeal that because the director misspelled the name of the applicant's street when he mailed the decision, the applicant never received the decision. However, the record contains two signed Domestic Return Receipt Forms PS 3811 from the United States Postal Service that indicate that individuals at both the applicant's address of record and at his attorney's address of record signed for the envelope containing the director's decision. The Forms PS3811 were received back by the director's office on August 18, 2006 and August 21, 2006 respectively.

The record reflects that the director issued his decision to deny the applicant's Form I-485 on August 11, 2006 and sent it to the applicant and to his representative at their addresses of record. As was previously noted, though the director misspelled the applicant's street name, writing, "[REDACTED]" rather than, "[REDACTED]" an individual at the applicant's address of residence signed for and received the decision. Further, as was also noted, an individual at the applicant's representative's address of record also signed for a second copy of the decision. United States Citizenship and Immigration Services (USCIS) received the

applicant's appeal to this decision 650 days later on May 22, 2008. Therefore, the appeal was untimely filed.

**ORDER:** The appeal is rejected.