



U.S. Citizenship
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[REDACTED]

FILE: [REDACTED]
MSC-02-233-62780

Office: LOS ANGELES

Date: JUN 26 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. 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, Los Angeles. The decision 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 he satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act.

If an appeal is filed from within the United States, it must be received by U.S. Citizenship and Immigration Services (CIS) within 30 days after service of the Notice of Denial, and an appeal received after the 30-day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1). The 30-day period for submitting an appeal begins 3 days after the Notice of Denial is mailed. *Id.*

The director issued the Notice of Denial on September 4, 2007, and mailed it to the applicant's and counsel's addresses of record. The appeal was due on Monday, October 8, 2007, but was received by CIS on October 17, 2007. Therefore, the appeal was untimely filed and was rejected on November 13, 2007. The applicant filed a motion to reopen on November 14, 2007, which was rejected by the district director on December 20, 2007. The applicant thereafter filed a second motion to reopen on December 27, 2007. The applicant's motion to reopen and/or reconsider is rejected, as there are no motion rights 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).¹ The applicant's motion to reopen is considered by the AAO to be an untimely appeal.

ORDER: The appeal is rejected.

¹ See 8 C.F.R. §245a.20(c) – Motions to reopen a proceeding or reconsider a decision shall not be considered under this Subpart B.