



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

L2



FILE: MSC 02 240 61652

Office: BALTIMORE, MD

Date: NOV 16 2009

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been forwarded to the Citizenship and Immigration Services National Records 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 if the matter was remanded for further action, the record of proceedings was returned to the office that originally issued a decision in your case, and you will be contacted.

Perry Rhew, Chief
Administrative Appeals Office

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

The director concluded that the applicant failed to demonstrate that she resided continuously in the United States in an unlawful status throughout the statutory period. Therefore, the director denied the application.

On appeal, the applicant asserted that the evidence in the record does establish that she resided continuously in the United States in an unlawful status during the statutory period.

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).

The record reflects that the director issued the September 22, 2005 notice of decision to the applicant and her attorney at their respective addresses of record. U.S. Citizenship and Immigration Services (USCIS) received the Form I-290B, Notice of Appeal to the Administrative Appeals Office, 34 days later on Wednesday, October 26, 2005. Therefore, the appeal was not filed timely.

Finally, the record indicates that the applicant was ordered deported in absentia during 1996 under the Alien Number 73 152 779. She appealed that decision. The appeal was dismissed. The Immigration Judge entered a final removal order on November 14, 2002.

ORDER: The appeal is rejected as untimely filed.