

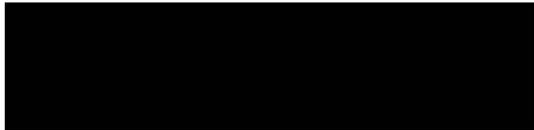
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
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FILE: [REDACTED]
MSC-02-135-61085

Office: CHICAGO

Date: **OCT 05 2009**

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.


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

The director denied the application, finding that the applicant had failed to establish by a preponderance of the evidence that she met the requirements to adjust status under the LIFE Act. Specifically, the director noted that the applicant failed to submit sufficient credible evidence to demonstrate that she entered the United States before January 1, 1982, and had thereafter resided in a continuous and unlawful status until May 4, 1988.

The applicant properly filed the appeal on August 7, 2003, 45 days after the director issued her notice of denial.

Pursuant to 8 C.F.R. § 245a.20(b), an adverse decision on an application for adjustment of status under the LIFE Act may be appealed to the AAO; the appeal with the required fee must be filed within 30 days after service of the notice of denial. The 30 day period for submitting an appeal begins 3 days after the Notice of Denial is mailed. *Id.* The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i). An appeal received after the 30 day period has tolled will not be accepted. 8 C.F.R. § 245a.20(b)(1).

The appeal was not received within the 30 day period as prescribed by the pertinent regulations and must be rejected for this reason.

ORDER: The appeal is rejected.