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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090
U.S. Citizenship
and Immigration
Services

L2



DATE: Office: NATIONAL BENEFITS CENTER
DEC 15 2011

FILE: 

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 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, National Benefits Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant submitted a Form I-485, Application to Register Permanent Resident or Adjust Status under the Legal Immigration Family Equity (LIFE) Act. The director denied the application, finding that the applicant had not provided credible evidence to establish that he had filed a timely written claim for class membership in one of the legalization class action lawsuits (*Catholic Social Services, Inc. v. Meese, League of United Latin American Citizens v. INS, or Zambrano v. INS.*).

On appeal, counsel states that a complete copy of the A-file is needed to write a brief and show good cause. Counsel requested a copy of the record of proceedings under the Freedom of Information Act (FOIA). The AAO found evidence that a FOIA request was processed. On the Form I-290B, counsel indicated that a written brief and/or evidence would be submitted within 30 days. To date, this office has no record that any further evidence or brief was received with regard to this appeal.

An adverse decision on an Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act may be appealed to the AAO. Any appeal with the required fee shall be filed with the Service Center or district office issuing such decision within thirty (30) days after service of the notice of decision in accordance with the procedures of 8 C.F.R. § 103.3(a). An appeal received after the 30-day period has tolled will not be accepted. *See* 8 C.F.R. § 245a.20(b)(1). The 30 day period for submitting an appeal begins 3 days after the Notice of Decision (NOD) is mailed.

It is noted that the director issued the NOD on September 22, 2003, and mailed a copy of the notice to the applicant at his address of record. The Form I-694, Notice of Appeal, was filed on February 11, 2004; four months and 20 days after the notice of decision had been issued. Therefore, the appeal was untimely filed and must be rejected.

ORDER: The appeal is rejected. This decision constitutes a final notice of ineligibility.