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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: **JUN 23 2011**

Office: GARDEN CITY

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 of the Garden City office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as untimely filed.

The director denied the application, finding that the applicant had not established by a *preponderance of the evidence* that he entered the United States before January 1, 1982, and resided in a continuous unlawful status through May 4, 1988.

On appeal, the applicant asserts that the evidence previously submitted by him establishes by a *preponderance of the evidence* that he continuously resided in the United States in an unlawful status for the duration of the requisite period.<sup>1</sup> The applicant has not submitted any additional evidence on appeal.

If an appeal is filed from within the United States, it must be received by United States Citizenship and Immigration Services (USCIS) 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 August 30, 2007, and mailed it to the address of record for the applicant and counsel. The appeal was received by USCIS on July 19, 2009, 811 days later. Therefore, the appeal was untimely filed and must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> In his appeal, the applicant erroneously refers to the appeal as relating to the Form I-687, application for temporary residence. However, the applicant has filed a separate Form I-694, notice of appeal, regarding the I-687 application.