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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

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U.S. Citizenship
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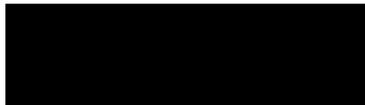
Date: Office: NATIONAL BENEFITS CENTER

FILE: 

JAN 18 2012
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. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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.

Elizabeth McCormack

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 National Benefits Center 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 failed to establish that he made a timely written claim to class membership. The director further determined that the applicant was inadmissible.¹

On appeal, the applicant asserted that the director erred in denying his application, and that the applicant is eligible for a waiver.

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 sent his decision of March 31, 2004 to the applicant and to counsel at their addresses of record. Citizenship and Immigration Services (CIS) received the appeal more than 33 days later on May 21, 2004. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.

¹ The applicant filed a Form I-690, application for a waiver, but it was denied.