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U.S. Citizenship
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FILE: [REDACTED]
MSC 02 025 60441

Office: SAN FRANCISCO

Date: OCT 01 2007

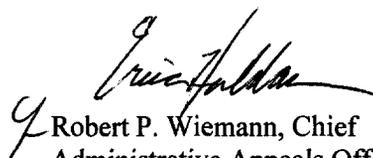
IN RE: Applicant: [REDACTED]

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:
[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

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

The district director denied the application because the applicant failed to appear for three scheduled interviews as required in 8 C.F.R. § 245a.19(a).

The regulation at 8 C.F.R. § 103.2(a)(1) provides, in part, that “[e]very application, petition, appeal, motion, request ... shall be executed and filed in accordance with the instructions on the form, such instructions ... being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.” The instructions at item six on the Form I-290B, Notice of Appeal, specifically require a signature of this form when the decision is appealed.

The Form I-290B was not signed by either the applicant or counsel. Therefore, the appeal has not been properly filed, and must be rejected.

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)

Assuming, arguendo, the Form I-290B was signed by either the applicant or counsel, the appeal would still be rejected as it was untimely filed. The record reflects that the director sent his decision of December 16, 2004 to the applicant and to counsel at their addresses of record. The Form I-290B is very clear in indicating that the appeal is not to be sent directly to the AAO. The Form I-290B, nevertheless, was sent to the AAO. The appeal is not considered properly received until it is received by the district office, which rendered the unfavorable decision. The appeal was properly received at the respective district office on April 8, 2005, 113 days after the decision was issued.

ORDER: The appeal is rejected.