

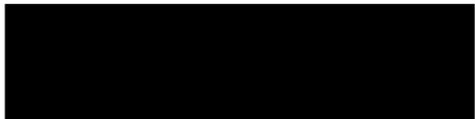
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U.S. Citizenship
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FILE: [REDACTED]
MSC 02 201 60321

Office: HOUSTON

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:

SELF-REPRESENTED

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. 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.


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, Houston, Texas, 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 had not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

On appeal, the applicant stated that he "would like to obtain an exception under paragraph (c) of section 312(a)" of the Immigration and Nationality Act (the Act) as it pertains to attending an accredited learning institution. The applicant stated that as soon as he began attending such an institution, he will submit evidence the evidence. The applicant stated that he needed 60 days in which to submit a brief and/or additional evidence. As of the date of this decision, however, more than 30 months after the appeal was filed, the AAO has received no additional evidence. However, as the appeal is untimely filed, this issue is moot.

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 three 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 January 29, 2005 to the applicant at his address of record in the United States. Although the district director informed the applicant that he must file his appeal with the Houston District Office, the applicant submitted his appeal directly to the AAO, who returned it with instructions on where the appeal should be filed. Citizenship and Immigration Services (CIS) received the properly filed appeal on March 16, 2005, 46 days later the director issued his decision. Therefore, the appeal was untimely filed.

The record reflects that the applicant was arrested by the Houston Police Department on May 17, 1992 and charged with driving while intoxicated. The record does not reflect that the applicant responded to the director's request to submit evidence documenting the final disposition of that offense.

ORDER: The appeal is rejected as untimely filed.