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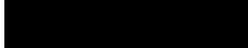
U.S. Citizenship
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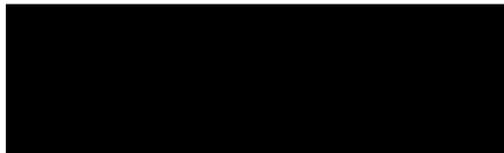


Office: CHICAGO, IL

Date: SEP 14 2007

MSC-02-229-63255

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.

Robert P. Wiemann, Director
Administrative Appeals Office

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

The director concluded that the applicant did not demonstrate that she was eligible to adjust to permanent residence because she did not establish that she met the qualifications under the provisions of the LIFE ACT under 8 C.F.R. § 254a.12(e) as she had not established, by a preponderance of the evidence, that she resided in the United States for the requisite period, that she was admissible and that she was otherwise eligible for adjustment of status. Specifically, the director noted that he found the applicant did not submit evidence that was sufficient to meet her burden of establishing that she was illegally physically present in the United States during the requisite period. Therefore, the director denied the application.

On appeal the applicant's attorney submits brief stating that the Service did not give due weight to affidavits submitted by the applicant in support of her claim of having maintained residence in the United States during the requisite period.

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). If the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, nor a legal holiday. 8 C.F.R. § 1.1(h).

The record reflects that the director sent his decision of March 31, 2005 to the applicant at her address of record. Citizenship and Immigration Services (CIS) received the appeal thirty-four (34) days later on May 4, 2005. Therefore, the appeal was untimely filed.

ORDER: The appeal is rejected as untimely filed.