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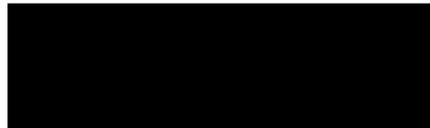
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 02 145 62393

Office: ST. PAUL

Date:

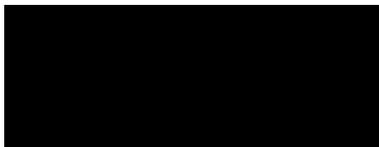
SEP 27 2007

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, 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, St. Paul, Minnesota, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application on the basis of the applicant's failure to submit sufficient evidence establishing her residence in the United States during the requisite time period.

An affected party 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 district director sent his decision of December 16, 2003 to the applicant at her address of record as well as that of her attorney of record. A letter from counsel, dated February 26, 2004, suggests that the applicant initially sent the appeal with the improper form of payment, which resulted in the appeal being returned to the applicant. Citizenship and Immigration Services ultimately received the appeal with the proper form of payment 73 days later on February 27, 2004. Therefore, the appeal was untimely filed.

**ORDER:** The appeal is rejected as untimely filed.