



U.S. Citizenship  
and Immigration  
Services

12

[Redacted]

FILE:

[Redacted]

Office: Phoenix

Date:

DEC 30 2004

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. The file has 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, Director  
Administrative Appeals Office

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prevent clearly unwarranted  
invasion of personal privacy**

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

The director found that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988 because he had been absent for more than 45 days on each of four occasions for other than emergent reasons. The director also found that the applicant's accumulated days of absence during the period exceeded 180 days in the aggregate.

On appeal, the applicant states:

The officer stated that I was absent on 4 occasions [sic] for 2 months each time. This is not correct. I was absent on 3 occasions and none of the 3 exceeded 45 days nor 180 days in the aggregate.

Counsel states that he was submitting a brief and/or evidence to the AAU within 30 days. However, no brief or additional evidence was submitted.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993)(CSS), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993)(LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993)(Zambrano). See 8 C.F.R. § 245a.10. Additionally, section 1104(c)(2)(B)(i) of the LIFE Act requires the applicant establish entry to the United States before January 1, 1982, and continuous unlawful residence in this country through May 4, 1988.

The regulations at 8 C.F.R. § 103.3(a)(3)(iv) state that any appeal that fails to state the reason for the appeal or is patently frivolous will be summarily dismissed. The applicant has merely disagreed with the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.