

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529



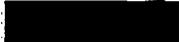
U.S. Citizenship
and Immigration
Services

PUBLIC COPY



L2

FILE:



Office: Los Angeles

Date:

MAR 28 2005

IN RE:

Applicant:



PETITION: 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. 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, Director
Administrative Appeals Office

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

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 since before January 1, 1982 through May 4, 1988.

In response to the Notice of Decision, the applicant, through his attorney, submits a Form I-290B Notice of Appeal to the Administrative Appeals Office (AAO). At *item 2*, counsel for the applicant checks *box 4*, indicating that he would be sending a brief and/or evidence to the AAO within 30 days. As of this date, however, no further documentation or statement has been submitted into the record of proceedings. At *item 3* on the form, in which an individual is requested to specify the *reasons* for filing his appeal, counsel merely asserts that the applicant has "submitted all the evidence that was possible to submit" and that the applicant has endeavored to demonstrate compliance with the applicable requirements.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. The applicant has failed to address 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.

employment and tax records than he could for the first two years after his first arrival, when he was a minor. The District Director writes in the Notice of Intent to Deny dated August 15, 2003:

On April 1, 2003, you were interviewed by an officer of the Service and were requested to send arrest information [sic] additional evidence proving presence during the required dates from January 1, 1982 through May 4, 1988. You provided the requested arrest information but no further proof of presence other than affidavits. You failed to provide any evidence of your presence during the required time period from January 1, 1982.

When the applicant filed Form I-687 he indicated on that form that he lived in Pasadena, CA from 8/81 to 8/83; at [redacted] from 9/83 to 12/84; at [redacted] in [redacted] from 12/84 to 8/85; and at [redacted] in [redacted] from 8/85 to 8/89. He indicated that he worked as a dishwasher at [redacted] in Wheeling, IL from 1983 to 1984, and as a cook at Shanghai restaurant in San Jose, CA from August 1986 until at least June 1990, when the I-687 was signed. In addition, through counsel, he has provided the following:

1. An affidavit from [redacted] including the then (1990) current address of Mr [redacted] indicating that the applicant lived in the same house as the affiant between August 1981 and September 1983. The affiant also indicated that the applicant lived with him at a listed address in Pasadena between 1984 and 1985 and that he had maintained close contact with the applicant and verified that he had lived continuously in the United States from 1981 to March 27, 1990, the date of the affidavit.
2. An affidavit from [redacted] dated May 6, 2003, including address and phone number of the affiant, indicating that the applicant had lived in California from October 1981 to November 1983 and had worked with the applicant as a handyman on the weekends during that period.
3. An affidavit from [redacted] dated April 16, 2003, including the address of the affiant and a statement indicating that he could be contacted at that address if further information was required, indicating that the applicant had lived in the affiant's house in Illinois between December 1983 and December 1984 while working at Barbarias Restaurant in Buffalo Grove, Illinois.
4. An affidavit from [redacted] dated July 9, 2003, including the address of the affiant, indicating that she had personal knowledge of the applicant living at an address in El Monte, CA from December 1981 to May 19, 1983 because her brother lived in the same house and brought the applicant to live there.
5. An affidavit from [redacted] dated July 9, 2003, including the address of the affiant, indicating that he had knowledge of the applicant living at an address in El Monte, CA from December 1981 to May 19, 1983 because his brother lived in the same house and brought the applicant to live there.
6. A letter verifying employment from [redacted] Illinois, signed by [redacted] indicating that the applicant was employed at the Lodge during 1983.
7. An affidavit from [redacted] dated December 31, 2003, including the address and phone number of the affiant, indicating that the applicant is personally known to the affiant, and that he began playing soccer with the applicant in El Monte, CA in August 1981, that the applicant told the affiant that the applicant came to the US in June 1981 to live with the applicant's brother, that in approximately May 1983, first the applicant, and then the affiant moved to Illinois and continued to