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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE:

Office: NATIONAL BENEFITS CENTER

Date:

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: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the mater 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, Missouri Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant was ineligible for adjustment to permanent resident status under the LIFE Act, having on five separate occasions pled guilty to, and been convicted of, trademark counterfeiting -- a misdemeanor.

On appeal, counsel states that he has resided in the U.S. for many years, and that he was merely engaged in selling merchandise on the street without a license in order to support his family.

An alien who has been convicted of one felony or three or more misdemeanors committed in the United States is ineligible for status under LIFE Legalization. See 8 C.F.R. § 245a.11(d)(1).

A review of the record discloses an F.B.I. Identification Record showing that the applicant was apprehended by the New York Police Department and was subsequently convicted upon a plea of guilty, of the charge of trademark counterfeiting on five separate occasions: January 2, 1994, April 26, 1997, November 18, 2000, February 10, 2001, and on May 12, 2002.

As the applicant has been convicted of three or more misdemeanors, he is ineligible to adjust to permanent resident status under section 1104 of the LIFE Act.

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