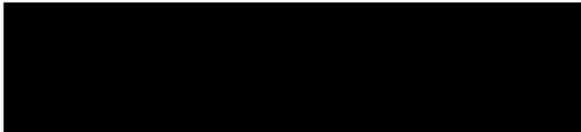




U.S. Citizenship
and Immigration
Services

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FILE:



MSC 02 241 62950

Office: NEW YORK

Date:

APR 02 2009

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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief
Administrative Appeals Office

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

The director determined that the applicant had not established that he resided in the United States in a continuous unlawful status from before January 1, 1982 through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act. The director noted that the applicant failed to respond to a January 25, 2008 notice of intent to deny (NOID) and denied the application for the reasons for denial stated in the NOID. It is noted that in the NOID the director noted that the applicant submitted affidavits that were neither credible, nor amenable to verification; that the applicant claimed that on June 4, 1987, he had departed the United States for Canada and returned on June 20, 1987, and the stated reason for this trip to Canada was to obtain work and settle there; and, the applicant provided an affidavit from [REDACTED] attesting that the applicant's trip to Canada was for "job search." The director determined, therefore, that the applicant could not establish the requisite continuous residence and his continuous physical presence. The director granted the applicant thirty (30) days to submit additional evidence.

On appeal, counsel for the applicant states only that the applicant responded to the NOID, and provided a photocopy of the NOID together with photocopies of a U.S. Postal Service mail receipt which counsel states confirms that the Service received the response to the NOID. Counsel does not submit any new evidence on appeal.

It is noted that the record reveals that on March 8, 1995, the applicant was convicted, on a guilty plea, by the Franklyn Township Municipal Court, Somerset County, New Jersey, of Shoplifting in violation of Section 2C:20-11. The court fined the applicant \$100.00, plus \$160.00 costs. A conviction for shoplifting is considered to be a conviction of a crime involving moral turpitude. *See Jordan v. De George, supra; Matter of Squires*, 17 I. & N. Dec. 561 (BIA 1980); *Matter of Flores*, 17 I. & N. Dec. 225 (BIA 1980); *Matter of Acosta*, 14 I. & N. Dec. 338 (BIA 1973); *Matter of Garcia*, 11 I. & N. Dec. 521 (BIA 1966); *Matter of L-*, 5 I. & N. Dec. 705 (BIA 1954).

It is further noted that the record also reflects that the Borough of Highland Municipal Court, Middlesex County, New Jersey, convicted the applicant of Loitering in violation of local ordinance 3-5.2. The court fined the applicant \$200.00, plus \$30.00 costs.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not addressed the basis for denial. The appeal must therefore be summarily dismissed.

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