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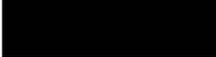
U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



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FILE: 
MSC-02-050-62111

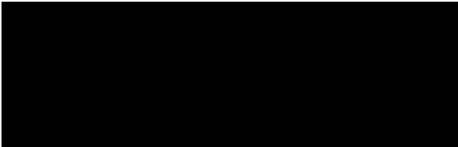
Office: GARDEN CITY

Date: **SEP 09 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.



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, Garden City, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application and determined that the applicant was ineligible to adjust status to legal permanent resident status under LIFE Act. The director found multiple inconsistencies between the applicant's testimony and the evidence of record, casting doubt on the veracity of the applicant's claim. The director also concluded that the evidence submitted, when considered together with the applicant's testimony, does not show by a preponderance of the evidence that the applicant has resided in the United States continuously from before January 1, 1982 to May 4, 1988.

On appeal, the applicant asks the AAO to reconsider the denial of the director's decision for humanitarian reasons. No evidence has been submitted to resolve or reconcile the inconsistencies in the record as noted by the director in her decision. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

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.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has he presented additional evidence relevant to the stated grounds for denial. The appeal must therefore be summarily dismissed.

Further, the record shows that the applicant failed to appear on the day of his adjustment interview on April 20, 1995. The applicant's petition to adjust status based on his marriage to a United States citizen was denied on July 17, 1996. The applicant was subsequently ordered to voluntarily leave the United States on or before August 16, 1996 and warned that should he fail to depart by the date specified, proceedings will be instituted to enforce his departure. The AAO notes that the applicant failed to leave the United States by the specified date.

The AAO additionally notes that, based on the fingerprint results, the applicant has two charges against him for trademark counterfeiting in the third degree, in violation of New York Penal Law Section 165.71, on April 30, 1994 and June 22, 2003. Both charges are classified as a class A misdemeanor violation. No criminal dispositions or official court documents on these charges have been provided. If convicted of a felony or three or more misdemeanors, the applicant is inadmissible and thus, ineligible to adjust status to legal permanent resident status under LIFE Act. 8 C.F.R. § 245a.2(c)(1); 8 U.S.C. § 1255a(a)(4); INA § 245A(a)(4).

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