



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: PHOENIX, ARIZONA

Date:

MAR 20 2006

IN RE:

[REDACTED]

APPLICATION: Application to Adjust Status under Section 245 of the Immigration and Nationality Act

ON BEHALF OF APPLICANT:

[REDACTED]

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. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Acting District Director, Phoenix, Arizona denied the application for adjustment of status (Form I-485) and certified his decision to the Administrative Appeals Office (AAO). The acting district director's decision will be affirmed. The application will be denied.

The applicant is a native and citizen of Mexico, born on April 2, 1986, who submitted a Form I-485 Application to Adjust Status on May 4, 2001 pursuant to § 245 of the Immigration and Nationality Act (the Act), U.S.C. § 1255. He is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by his U.S. citizen mother.

The acting district director denied the application in the exercise of discretion upon finding that the negative factors presented outweighed the positive factors. The record reflects that the applicant admitted to two counts of felonious sexual conduct with a minor, and on March 2, 1999 the Juvenile Division of the Superior Court for the State of Arizona placed him on probation and in the physical custody of the Youth Development Institute. The only positive factor noted was the fact that the applicant's mother is a U.S. citizen; however, the acting district director also pointed out that the applicant was to be removed from his mother's custody.

The acting district director certified his decision to the AAO for review on August 30, 2005, and as of this date, the AAO has not received any brief or additional evidence from either counsel or the applicant. The AAO has reviewed the entire record and concurs with the acting district director's exercise of discretion in the matter at hand. The AAO therefore affirms the acting district director's denial of the Application for Adjustment of Status.

ORDER: The director's August 30, 2005 decision is affirmed. The application is denied.