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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: AUG 18 2009

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT: Self-represented

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 your case 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 termination of temporary resident status by the Director, Western Service Center is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's status because the applicant had been convicted of five misdemeanors, rendering him ineligible for temporary residence.

On appeal, the applicant stated that he pursued his right to obtain a new record of previous convictions that showed less or no convictions attributable to him. He pledged that he would send these new records, which would exonerate him. However, the applicant never submitted anything.

The status of an alien lawfully admitted for temporary residence under section 245A of the Act may be terminated if he is convicted of any felony or three or more misdemeanors in the United States. 8 C.F.R. 245a.2(u)(1)(iii). It may also be terminated if the alien commits an act that makes him inadmissible to the United States as an immigrant. *See* Section 245A(b)(2)(B) of the Act.

The applicant was convicted of the following:

1. Theft, October 28, 1983;
2. Reckless Driving, May 19, 1987;
3. Battery, June 14, 1989;
4. Unlicensed Driver, January 2, 1990;
5. Reckless Driving, January 2, 1990;
6. Unlicensed Driver, July 23, 1984;
7. Unlicensed Driver, December 6, 1984;
8. Driving With suspended License, October 15, 1984.

Thus, the applicant is ineligible for temporary residence because of his eight misdemeanor convictions in the United States.

An alien applying for adjustment of status has the burden of proving by a preponderance of the evidence that he or she is admissible to the United States under the provisions of section 245a of the Act, 8 U.S.C. 1255a, *and is otherwise eligible for adjustment of status under this section.* 8 C.F.R. 245a.2(d)(5). The applicant has failed to meet this burden.

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