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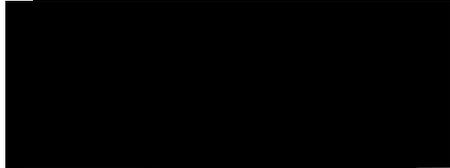
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

L1



FILE: [Redacted]
WAC 99 084 50023

Office: CALIFORNIA SERVICE CENTER

Date: NOV 28 2006

IN RE: Applicant: [Redacted]

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

ON BEHALF OF APPLICANT:



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 "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The director denied the application because the applicant's temporary resident status had been terminated, and he was therefore ineligible for adjustment from temporary to permanent resident status.

On appeal, the applicant asserts that he has not been in trouble with the law since his last arrest. The applicant submits a copy of counsel's brief that was submitted in the response to the Notice of Intent to Terminate.

An alien whose temporary resident status has been terminated under 8 C.F.R. § 245a.2(u) is ineligible for adjustment from temporary to permanent resident status. 8 C.F.R. § 245a.3(c)(5).

An applicant for temporary resident status under section 245A of the Immigration and Nationality Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. 8 C.F.R. § 245a.2(d)(5).

The record reveals that the applicant's temporary resident status was terminated on December 1, 2004, because he had at least three misdemeanor convictions.

An alien who has been convicted of a felony or three or more misdemeanors in the United States is ineligible for adjustment to permanent resident status. 8 C.F.R. § 245a.3(c)(1).

On appeal, the applicant submits a copy of counsel's brief that was previously submitted in an effort to overcome the ground of termination. Counsel's arguments, however, were addressed by the director in his Notice Termination.

The applicant is not a temporary resident and, therefore, he is ineligible for adjustment from temporary to permanent resident status.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility for adjustment from temporary to permanent resident status.