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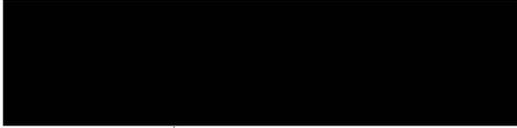
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, D.C. 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: HOUSTON

Date:

NOV 28 2006

XHU 88 174 06070

IN RE:

Applicant:



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. 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 termination of temporary resident status by the District Director, Houston, Texas, is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary resident status because the applicant had been convicted of at least three misdemeanors in the United States.

On appeal, the applicant requests that the termination of his temporary resident status be reconsidered as he has a family to support. The applicant asserts, "I have not had any problems with the law since 1992."

The temporary resident status of an alien who has been convicted of a felony or three or more misdemeanors in the United States may be terminated at any time. 8 C.F.R. § 245a.2(u)(1)(iii).

"Misdemeanor" means a crime committed in the United States, either (1) punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or (2) a crime treated as a misdemeanor under 8 C.F.R. § 245a.1(p). For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor. 8 C.F.R. § 245a.1(o).

The record contains a letter dated February 14, 1996 from a representative of the Center Police Department in Center, Texas, which indicated that the applicant had been arrested on several occasions by the department and had two arrests still awaiting trial.

On August 18, 2005, the director issued a Request for Documentation, which requested the applicant to submit original court dispositions for *all* arrests. The applicant, in response, submitted several court dispositions, which revealed the following offenses in the state of Texas:

1. On May 20, 1992, the applicant was convicted of reckless driving, a misdemeanor. The applicant was sentenced to serve six months in jail and ordered to pay a fine. Imposition of sentence was suspended and the applicant was placed on probation for one year [REDACTED]
2. On January 20, 1993, the applicant was convicted of possession of marijuana, a misdemeanor. The applicant was sentenced to serve six months in jail and ordered to pay a fine. On January 20, 1993, imposition of sentence was suspended and the applicant was placed on probation for six months. Cause no. 17408.
3. On March 15, 1995, the applicant was convicted of assault, a misdemeanor. The applicant was ordered to pay a fine [REDACTED]
4. On or about June 17, 1995, the applicant was arrested and subsequently charged with aggravated assault with a deadly weapon. The final outcome, however, is unknown as the requested court disposition was not provided [REDACTED]
5. On or about October 30, 1995, the applicant was arrested and subsequently charged with deadly conduct with a deadly weapon. The final outcome, however, is unknown as the requested court disposition was not provided [REDACTED]
6. On January 10, 1996, the applicant was convicted of disorderly conduct, a Class C misdemeanor. The applicant was ordered to pay a fine. [REDACTED]

7. On November 18, 1998, the applicant was convicted of driving while license is suspended, a Class B misdemeanor. The applicant was sentenced to serve a year in jail and ordered to pay a fine. On November 18, 1998, imposition of sentence was suspended and the applicant was placed on probation for one year. The applicant subsequently violated his probation, and on April 20, 1999, the applicant was sentenced to 90 days in jail to run concurrent with any other sentence [REDACTED]
8. On April 20, 1999, the applicant was convicted of driving while intoxicated, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items nine through fifteen below. [REDACTED]
9. On April 20, 1999, the applicant was convicted of criminal trespass, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in item eight above and ten through fifteen below. [REDACTED]
10. On April 20, 1999, the applicant was convicted of resisting arrest, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items eight and nine above and eleven through fifteen below. [REDACTED]
11. On April 20, 1999, the applicant was convicted of possession of marijuana, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items eight through ten above and twelve through fifteen below. [REDACTED]
12. On April 20, 1999, the applicant was convicted of evading arrest, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items eight through eleven above and thirteen through fifteen below. [REDACTED]
13. On April 20, 1999, the applicant was convicted of assault, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items eight through twelve above and fourteen and fifteen below. [REDACTED]
14. On April 20, 1999, the applicant was convicted of assault, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items eight through thirteen above and item fifteen below. [REDACTED]
15. On April 20, 1999, the applicant was convicted of assault, a misdemeanor. The applicant was ordered to pay a fine and was sentenced to serve 90 days in jail to run concurrent with cause numbers in items eight through fourteen above. [REDACTED]
16. On June 21, 2000, the applicant was convicted of driving while intoxicated with a prior, a misdemeanor. The applicant was sentenced to serve 12 months in jail and ordered to pay a fine. On June 21, 2000, the imposition of sentence was suspended. The applicant was placed on community supervision for two years. [REDACTED]

The record reflects that the applicant has been convicted of at least 14 misdemeanors and, therefore, he is ineligible for the benefit being sought. 8 C.F.R. § 245a.2(u)(1)(iii). Within the legalization program, no waiver is available to an alien convicted of a felony or three or more misdemeanors committed in the United States. An alien applying for adjustment of status has the burden of proving by a preponderance of evidence that he or she is admissible to the United States under the provisions of section 245a of the Act, and is otherwise eligible for adjustment of status. 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.