



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
XST 88 154 1054

Office: CALIFORNIA SERVICE CENTER

Date: FEB 26 2007

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: the Director, California Service Center, denied the application for temporary resident status. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to submit either a "Form DL 414" or a "Form H-6" from the California Department of Motor Vehicles (DMV) stating the final court dispositions of his three arrests for vehicular offenses. On appeal, the applicant states that he did not receive the director's Notice of Intent to Terminate, but does not provide the requested forms or other evidence of the final disposition of his three arrests.

Final court dispositions of the applicant's arrests are necessary to determine his eligibility for temporary resident status. An alien is ineligible for temporary residence if he has been convicted of a felony, or three or more misdemeanors committed in the United States. Section 245A(a)(4)(B) of the Act, 8 U.S.C. § 1255a(a)(4)(B). An alien is also ineligible for temporary residence if he is inadmissible to the United States as an immigrant. Section 245A(4)(A) of the Act, 8 U.S.C. § 1255a(a)(4)(A). An alien is inadmissible to the United States if he has been convicted of a crime involving moral turpitude (other than a purely political offense), or if he admits having committed such crime, or if he admits committing an act which constitutes the essential elements of such crime. Section 212(a)(2)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(I).

On appeal, the applicant states that he never received the Notice of Intent to Terminate although he states that he lived at [REDACTED] until October 1991. The record shows that the Notice of Intent to Terminate was sent to the applicant at his [REDACTED] on September 9, 1991. On appeal, the applicant does not provide the requested evidence of the final disposition of his three arrests or otherwise provide evidence that he has not been convicted of a felony, three misdemeanor offenses or a crime involving moral turpitude.

Declarations by an applicant pertinent to his criminal record are subject to a verification of facts by Citizenship and Immigration Services (CIS). The applicant must cooperate fully in the verification process and failure to assist CIS in verifying information necessary for the adjudication of the application may result in a negative determination. See 8 C.F.R. § 245a.2(k)(5). The applicant failed to provide a document necessary for the adjudication of the application. The director was consequently unable to determine that the applicant was eligible for temporary resident status. On appeal, the applicant does not submit the requested evidence or otherwise overcome the ground for denial. Accordingly, the appeal must be dismissed.

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