



U.S. Citizenship  
and Immigration  
Services

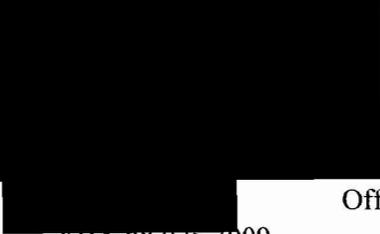
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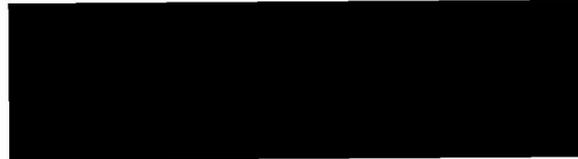
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Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Applicant:



APPLICATION: Application for Temporary Resident Status under 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Western Service Center, terminated the applicant's temporary resident status and the case is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's status because the applicant failed to submit evidence to overcome the grounds of ineligibility as stated in a Notice of Intent to Terminate.

On appeal, the applicant states that the amount of marijuana involved in his "illegal act" was such a small amount that "it was not even enough for one half of a cigarette."

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). "Felony" means a crime committed in the United States punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except when the offense is defined by the state as a misdemeanor, and the sentence actually imposed is one year or less, regardless of the term such alien actually served. Under this exception, for purposes of 8 C.F.R. Part 245a, the crime shall be treated as a misdemeanor. 8 C.F.R. § 245a.1(p).

"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 reveals the applicant was convicted on May 22, 1989, of driving under the influence of alcohol in violation of section 23152(a) of the California Vehicle Code, a misdemeanor. The applicant was placed on probation through September 10, 1992. The terms of his probation required that he not commit any criminal offenses, refuse a blood alcohol test, consume any alcohol, or drive any vehicle with alcohol in his blood. (Date of Arrest: May 6, 1989; Docket Number [REDACTED])

On September 11, 1989, the applicant was convicted of driving without a valid driver's license in violation of section 12500(a) of the California Vehicle Code, a misdemeanor, and driving under the influence of alcohol in violation of section 23152(a) of the California Vehicle Code, a misdemeanor. The applicant's California driver's license was suspended from November 10, 1989 through March 10, 1991. (Date of arrest: August 24, 1989; Docket number [REDACTED])

The applicant is ineligible for temporary resident status because of his three misdemeanor convictions. 8 C.F.R. § 245a.3(c)(1). There is no waiver of this ground of ineligibility.

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