



U.S. Citizenship  
and Immigration  
Services

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LA

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: MAY 05 2010

IN RE: Applicant:

[Redacted]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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 application for permanent resident status under section 1104 of the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director found that the applicant was inadmissible to the United States under section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (INA) because he had been convicted in the Los Angeles Superior Court of the felony crime of possessing narcotics (controlled substances) for sale, making him ineligible to adjust status under section 245A of the INA.

On appeal, the applicant concedes that he is ineligible for admission to the United States under section 212(a)(2)(A)(i)(II) of the INA (for violation of a state or federal law relating to a controlled substance), but “asserts that his arrest and conviction in 1984 was an act of youthful indiscretion.” The applicant asserts that because he “has not used or purchased a controlled substance” since 1984, nor committed any other criminal offense, and “has reformed to become a model citizen,” the AAO should “exercise its discretion” and grant the appeal. The applicant also contends that, since he has a wife and three U.S. citizen children under the age of 20 residing in the United States, his appeal should be granted “in order to promote family unity.”

Section 245A(b)(1)(C) of the Immigration and Nationality Act (INA) specifies that an applicant for permanent resident status must establish that he or she “has not been convicted of any felony . . . committed in the United States.” The record establishes that the applicant was arrested in the State of California on March 8, 1994 and charged with possessing and transporting narcotics for sale, in violation of a controlled substances statute. The applicant was convicted in Los Angeles Superior Court of possessing narcotics for sale (a felony) and received a jail sentence. This criminal conviction makes the applicant inadmissible to the United States under section 212(a)(2)(A)(i)(II) of the INA, and there is no provision in the law allowing for a waiver of this ground of inadmissibility.

Accordingly, the applicant is ineligible for permanent resident status in the United States.

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