



U.S. Citizenship  
and Immigration  
Services

LA

[Redacted]

FILE: [Redacted] Office: National Benefits Center Date:

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 office that originally decided your case. 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.

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

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded that the applicant was ineligible to adjust status under section 245A of the Immigration and Nationality Act (INA) because he had been convicted of a felony (inflicting injury on one's spouse) and two misdemeanors (inflicting injury on one's spouse) in the State of California. The director cited the regulations at 8 C.F.R. §§ 245a.3(b)(3) and 245a.3(c)(1), specifying that aliens who have been convicted of one felony or three or more misdemeanors in the United States are ineligible to adjust to permanent resident status.

On appeal, the applicant states that he has never committed aggravating crimes that endanger the security of the people of this nation and explains that he is working in a day-by-day basis to better himself for the betterment of his family, his community and society as a whole. The applicant indicates that he did not realize the consequences of his behavior and is regretful not only because his behavior endangers his status in this country but also because he had not noticed what deep damage he had inflicted on his family nucleus. He submits court records concerning his convictions and affidavits and letters of recommendation from persons who know him on a personal, business or professional basis.

An applicant under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in one of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) ("CSS"), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) ("LULAC"), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) ("Zambrano"). See section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she has not been convicted of a felony or of three or more misdemeanors committed in the United States. See section 1104(c)(2)(D)(ii) of the LIFE Act and the regulations at 8 C.F.R. § 245a.11(d)(1). In his decision denying the application, the director should have cited these statutory and regulatory provisions. Instead, he cited identical regulatory provisions of the Immigration Reform and Control Act of 1986 (IRCA), which allowed certain unlawful residents of the United States to apply for legalization in the late 1980s. However, since both IRCA and the LIFE Act, together with their implementing regulations, make aliens convicted of one felony or three or more misdemeanors in the United States ineligible for permanent resident status, the director's incorrect citation of the original legalization regulations, rather than the later LIFE Legalization regulations, was a harmless error.

The record indicates that the applicant was arrested in Riverside County, California, on August 12, 2002, and charged with a felony count of inflicting corporal injury on his cohabitating spouse. Court records show that the applicant entered a plea of guilty on August 12, 2002, was fined \$1,115 and placed on probation for a period of 36 months. That felony conviction makes the applicant ineligible, under section 1104(c)(2)(D)(ii) of the LIFE Act and the regulations at 8 C.F.R. § 245a.11(d)(1), for adjustment to permanent resident status.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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