

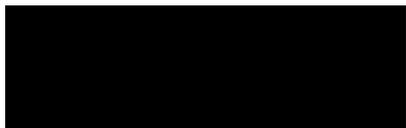
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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FILE: 

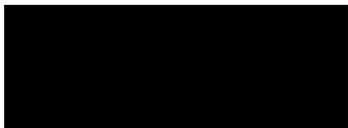
Office: LOS ANGELES, CALIFORNIA

Date: NOV 18 2004

IN RE: Applicant: 

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:



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 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 the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The District Director denied the application because the applicant has been convicted of a criminal offense rendering him ineligible for adjustment to permanent resident status under the LIFE Act.

On appeal the applicant states that he has been in the United States for over 20 years and that he has a 14-year old U.S. citizen daughter. No other documentation has been entered into the record.

An alien must establish that he is admissible to the United States as an immigrant, except as otherwise provided under section 245A(d)(2) of the INA. Section 1140(c)(2)(D)(i) of the LIFE Act. An alien who has been convicted of a felony or three or more misdemeanors in the United States is inadmissible and, therefore, ineligible for adjustment to permanent resident status under section 1140(c)(2)(D)(ii) of the LIFE Act and 8 C.F.R. § 245a.11(d)(1).

The regulation at 8 C.F.R. § 245a.1(p) states in pertinent part:

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. . .

The record reveals that on August 30, 1996, in the 262<sup>nd</sup> District Court of Harris County, Texas, the applicant was convicted of the felony offense of criminal mischief and was sentenced to three years probation and a fine of \$200.00.

The applicant's conviction of a felony offense render him inadmissible and, therefore, statutorily ineligible for adjustment to permanent resident status under section 1140(c)(2)(D)(ii) of the LIFE Act and 8 C.F.R. § 245a.11(d)(1). Within the provisions of the LIFE Act, there is no waiver available to an alien convicted of a felony committed in the United States.

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

AAOAFR01/[REDACTED]LIFE/10.21.04