

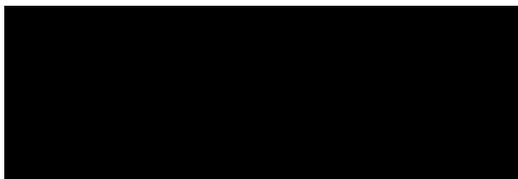
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529

PUBLIC COPY



**U.S. Citizenship
and Immigration
Services**



47

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:

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 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 criminal offenses 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 22 years, he is a person of good moral character, he financially supports his parents and child who live in Mexico and although he recognizes that he committed some minor offenses, he asks for forgiveness and the opportunity to obtain legal residence status. 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).

"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 reflects that the applicant has numerous arrests. The applicant was requested to submit final court dispositions for all of his arrests. The applicant failed to submit all court dispositions but the record of proceedings reveals the following convictions:

February 28, 1985, in the Municipal Court, Torrance the applicant was convicted of the offence of disorderly conduct solicit lewd act, a misdemeanor under the California Penal Code section 647(a), and was sentenced to three years probation.

April 23, 1996, in the Superior Court of California, County of Riverside the applicant was convicted of the offence of driving under the influence of alcohol and/or drugs, a misdemeanor under California vehicle Code section 23152(a), and was sentenced to three years probation.

February 2, 2000, in the Superior Court of California, County of Riverside the applicant was convicted of the offence of driving under the influence of alcohol and/or drugs, a misdemeanor under California vehicle Code section 23152(a), and was sentenced to four years probation.

The applicant's three known misdemeanor convictions 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 three or more misdemeanors committed in the United States.

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