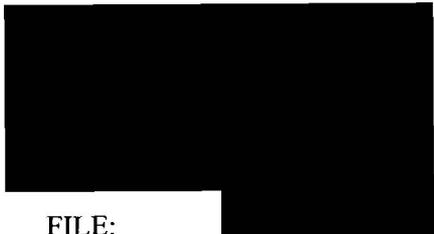




U.S. Citizenship
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Services

identifying data deleted to
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APR 03 2007

FILE: [REDACTED]
XPW 91 028 0772

Office: LOS ANGELES

Date:

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent 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 application for adjustment of status from temporary to permanent resident was denied by the District Director, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The district director denied the application because the applicant failed to provide the final court dispositions of all arrests since her arrival in the United States.

An applicant for adjustment of status from temporary to permanent resident must establish entry continuous residence in the United States since he or she was granted temporary resident status, is admissible to the United States under the provision of section 245A of the Act, 8 U.S.C. § 1255a, and is otherwise eligible for adjustment of status. 8 C.F.R. § 245a.3(b).

An alien is ineligible for adjustment of status from temporary to permanent resident if he or she has been convicted of a felony, or three or more misdemeanors committed in the United States. *See* 8 C.F.R. § 245a.3(g)(3)(i). Also, an alien is inadmissible to the United States if he or she has been convicted of a crime involving moral turpitude (other than a purely political offense), or if he or she admits having committed such crime, or if he or she admits committing an act which constitutes the essential elements of such crime. *See* Section 212(a)(2)(A)(i)(I) of the Act, formerly section 212(a)(9) of the Act.

"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).

Declarations by an applicant that he or she has not had a criminal record are subject to a verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service in verifying information necessary for the adjudication of the application may result in a denial of the application. 8 C.F.R. § 245a.3(g)(5).

The applicant's 2005 Federal Bureau of Investigation (FBI) fingerprint results revealed the following arrests:

1. On November 29, 2003, the applicant was arrested in Los Angeles, California, and charged with one count of possession or purchase of cocaine base for sale.

2. On February 6, 2004, the applicant was arrested in Norwalk, California, and charged with one count of possession or purchase of a narcotic controlled substance for sale.
3. On January 4, 2005, the applicant was arrested in Los Angeles, California, and charged with one count of possession or purchase sale of a narcotic controlled substance for sale.
4. On April 14, 2005, the applicant was arrested in Los Angeles, California, and charged with one count of possession of a narcotic controlled substance.

On June 21, 2006, the applicant was requested to provide the final court dispositions of all arrests since her arrival in the United States. The applicant was granted 30 days to submit the required documentation. The record does not contain a response from the applicant.

On appeal, the applicant states that she appeared for all her appointments. She does not, however, provide the final court dispositions of the arrests detailed above.

The applicant has failed, both in response to the request for additional evidence and again on appeal, to provide the final court dispositions of the arrests detailed above. The applicant has failed to provide documentation necessary for the adjudication of the application, thereby preventing CIS from determining her admissibility to the United States. 8 C.F.R. § 245a.3(g)(5). Therefore, the appeal must be dismissed.

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