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FILE: MSC 02 015 61667

Office: LOS ANGELES

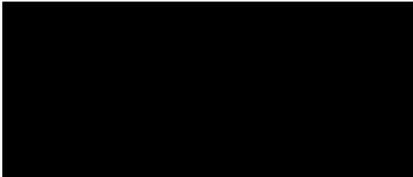
Date: OCT 01 2007

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. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
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, California. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed, and the order dismissing the appeal will be affirmed.

On November 17, 2004, the district director concluded that the applicant had been convicted of eight misdemeanors in the United States, and accordingly, denied the application. In dismissing the appeal, on December 1, 2006, the AAO determined that based on the court dispositions and expungement petitions submitted the applicant had been convicted of at least three misdemeanors.<sup>1</sup> On May 25, 2007, counsel filed a motion to reconsider.

The regulation at 8 C.F.R. § 103.5(b) provides that motions to reopen a proceeding or reconsider a decision under part 210 or 245a of this chapter shall not be considered.

The regulation at 8 C.F.R. § 245a.20(c) provides that motions to reopen a proceeding or reconsider a decision shall not be considered under Subpart B.

As such, the previous decisions of the field office director and the AAO will not be disturbed and the motion will be dismissed.

**ORDER:** The motion is dismissed. The decision of the AAO dated December 1, 2006 is affirmed.

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<sup>1</sup> Three of the offenses were deemed to be infractions.