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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

MSC 02 282 60472

Office: LOS ANGELES

Date:

JUN 24 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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

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, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The district director determined that the applicant had been convicted of three or more misdemeanors and therefore, pursuant to 8 C.F.R. § 245a.18(a), was ineligible for adjustment to lawful permanent residence status under the LIFE Act.

On appeal, the applicant asserts that he has only been convicted of one misdemeanor, and is therefore eligible for adjustment of status under the LIFE Act.

The applicant's California Department of Motor Vehicles Report reveals the following offenses:

1. An August 29, 1991, violation of section 23101 of the California Vehicle Code, reckless driving. Reckless driving is punishable by imprisonment in the county jail for not less than five days nor more than 90 days or by a fine of not less than \$145, and is a misdemeanor under California Vehicle Code section 40000.15. The report indicates that the applicant received 24 months probation. (Docket # 1D05904).
2. An October 13, 1991, violation of section 23152(a) of the California Vehicle Code, driving under the influence of alcohol or drugs. Driving under the influence of alcohol or drugs is a misdemeanor under California Vehicle Code section 40000.15. The report indicates that the applicant received 36 months probation. (Docket # 1F10517).
3. A June 25, 1997, violation of section 12500(a) of the California Vehicle Code, driving without a license. Driving without a license is a misdemeanor under California Vehicle Code section 40000.11(b). The report indicates that the applicant was convicted of a misdemeanor. (Docket # EH34734).

The record, therefore, reflects that the applicant has been convicted of three misdemeanors. The regulation at 8 C.F.R. § 245a.18 provides:

(a) *Ineligible aliens.* (1) An alien who has been convicted of a felony or of three or [more] misdemeanors committed in the United States is ineligible for adjustment to LPR status under this Subpart B.

Therefore, as the applicant has been convicted of three misdemeanors, he is inadmissible to the United States and 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.