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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

L-1

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: JUL 06 2004

IN RE: Applicant: [redacted]

APPLICATION: Application for Status as a Temporary Resident pursuant to 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, Director
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the Director, Western Service Center is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director based the termination on the applicant's criminal history.

On appeal, the applicant indicates that he thought his probation officer had sent the necessary evidence. He requests that humanitarian factors be given consideration in his case.

The status of an alien admitted for temporary residence under section 245A of the Act may be terminated if he was not eligible for that status at the time it was granted. *See* Section 245A(b)(2)(A) of the Act. An alien who has been convicted of any felony or three misdemeanors in the United States is ineligible for adjustment to temporary resident status under section 245A of the Act. *See* 8 C.F.R. § 245a.2(c)(1). Also, an alien is inadmissible if he has been convicted of a crime involving moral turpitude (other than a purely political offense), or if he admits having committed such crime, or if he 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.

The record reveals the applicant advised the legalization officer who conducted the applicant's temporary residence (legalization) interview on September 6, 1988 that he had been arrested for the felony charge of grand theft in May 1988. The director advised the applicant, in a letter of intent to terminate, that his status would be terminated should he not submit a court disposition showing the conviction did not take place. The applicant did not respond, and the director terminated his status.

While the applicant states on appeal that his probation officer advised him in April 1991 that she would send in the required paperwork, none has ever been received. Based on the applicant's statement, it appears he was convicted of some offense.

Declarations by an applicant pertinent to his criminal record are subject to a verification of facts by the Service. The applicant must cooperate fully in the verification process. *See* 8 C.F.R. § 245a.2(k)(5). The applicant has failed to provide documents necessary for the adjudication of the application, thereby preventing the Service from determining that he was eligible for that status at the time it was conferred. Under these circumstances, the applicant's temporary resident status shall be terminated. Section 245A(b)(2)(A) of the Act.

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