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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 28 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 record. On appeal, the applicant stated he was investigating the misdemeanors that he committed in the United States. He indicated he would attempt to obtain a copy of his police record from the California Department of Justice. However, he has not provided any further documentation.

The status of an alien lawfully admitted for temporary residence under section 245A of the Act may be terminated if he is convicted of any felony or three or more misdemeanors in the United States. *See* 8 C.F.R. 245a.2(u)(1)(iii).

The applicant was convicted of the following misdemeanor violations under the California Vehicle Code:

1. Section 40508(a) – Failure to Appear, on January 28, 1983;
2. Section 23152(a) – Driving Under the Influence, on March 13, 1984;
3. Section 23152(b) - Driving Under the Influence .10% or More Alcohol, on February 13, 1990.

Although the applicant stated he would investigate his misdemeanors, he has not provided any indication that the above record of misdemeanors is somehow erroneous.

Within the legalization program, no waiver is available to an alien convicted of a felony or three misdemeanors committed in the United States.

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