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

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: SEP 01 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

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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

The director terminated the applicant's status because the applicant had seemingly not provided dispositions relating to numerous arrests.

On appeal, the applicant points out that he had submitted the requested documentation, and he resubmits certain records.

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. 8 C.F.R. § 245a.2(u)(1)(iii).

The applicant was convicted of Driving With a Blood Alcohol Content of .10% or More on November 4, 1984. He was convicted of Unlawfully Driving a Vehicle While Under the Influence of Alcohol, Drug, or Combination on April 12, 1985, February 13, 1987 and April 4, 1991. All of these convictions took place in California. The applicant was advised of these convictions in a decision relating to an application for permanent residence that the director rendered subsequent to the filing of this appeal. The applicant did not appeal that decision, and has not contested the fact of these convictions.

It is further noted that the applicant was arrested numerous times for other offenses. Those charges need not be addressed, as the applicant has been convicted of at least the four misdemeanors referred to above.

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.