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U.S. Citizenship
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FILE:

XPW 90 174 1202

Office: CALIFORNIA SERVICE CENTER

Date: JUL 10 2008

IN RE:

Applicant:



APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under 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, Chief
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Field Office Director, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The director denied the application because he determined that the applicant failed to provide the requested final court dispositions for his arrests.

On appeal, the applicant explains that he misunderstood the Form I-72 instructions and provides the requested documents, which show the following arrests and convictions:

1. On May 12, 1995, the applicant was convicted of *Driving With a Blood Alcohol Content of .08% or Greater* in violation of section 23152(b) of the California Vehicle Code. The applicant was placed on probation for three years and ordered to pay fines and fees totaling \$1,297. (Case # [REDACTED]). On September 26, 2007, the court found the applicant in violation of probation.
2. On October 3, 1995, the applicant was charged with *Driving With a Suspended License*, a misdemeanor, in violation of section 14601.1(a) of the California Vehicle Code. On December 9, 2002, this case against the applicant was dismissed. (Case # [REDACTED])
3. On September 26, 2007, the applicant was convicted of *Unlicensed Driver*, a misdemeanor, in violation of section 12500(a) of the California Vehicle Code. The applicant was placed on probation for 12 months and ordered to pay fees and fines totaling \$626. A hearing was scheduled for March 28, 2008 to resolve this matter. (Case # [REDACTED])

An applicant for adjustment from temporary to permanent resident status must establish: 1) that he or she is admissible to the United States as an immigrant (with certain exceptions) and 2) that he or she has not been convicted of any felony or three or more misdemeanors committed in the United States. Section 245A(b)(1)(C) of the Immigration and Nationality Act (the Act); 8 U.S.C. § 1255a(b)(1)(C).

On March 5, 2008, the AAO sent the applicant a letter instructing him to provide the final court disposition for the offense in No. 3 above to ensure that resolution of the matter did not result in a third misdemeanor conviction. The applicant was also asked to provide an updated record printout from the California Department of Motor Vehicles. The applicant has since supplemented the record with all of the requested documentation, which shows that the applicant paid the assigned fines on March 28, 2008 and that the proceedings regarding the offense in No. 3 above were therefore terminated. The updated printout of the applicant's driving record shows that the applicant has not been convicted of additional offenses.

Accordingly, the record shows that the applicant currently stands convicted of two misdemeanors, which do not render him ineligible to adjust from temporary to permanent resident status. There are no other known grounds for denying the application. Therefore, the appeal will be sustained.

ORDER: The appeal is sustained.