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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

XPS-90-103-0371

Office: TAMPA

Date:

IN RE:

Applicant:

APPLICATION:

Application for Adjustment from Temporary to Permanent Resident Status 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.

Perry Rhew
Chief, Administrative Appeals Office

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

The director determined that the applicant had been convicted of a felony. The district director concluded that the applicant was ineligible to adjust from temporary to permanent residence pursuant to 8 C.F.R. § 245a.3(c)(1).

The record reveals that the applicant has been convicted of multiple felonies and misdemeanors. Specifically the record reveals the following arrests:

1. May 6, 1989, carrying a concealed weapon, a felony
2. January 18, 1992 vehicle theft, a felony*
3. April 8, 1993 aggravated battery, a misdemeanor*
4. August 15, 1993 battery, misdemeanor
5. August 11, 1995, aggravated battery, felony.*

The record of proceedings indicates that the applicant was convicted on the felony vehicle theft charge; the misdemeanor aggravated battery charge; and the felony aggravated battery charge. The director noted that since the applicant had at least one felony conviction, he was ineligible for adjustment from temporary to permanent resident status pursuant to 8 C.F.R. § 245a.3(c)(1).

On appeal, the applicant simply stated that he wishes to receive a pardon.

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 Lawful Permanent Resident status. 8 C.F.R. § 245a.18(a)(1). Within the legalization program, there is no waiver available to an alien convicted of a felony or three or more misdemeanors committed in the United States.

An alien applying for adjustment of status has the burden of proving that he or she is admissible to the United States under the provisions of section 210(c) of the Act, 8 U.S.C. § 1160, *and is otherwise eligible for adjustment of status under this section.* 8 C.F.R. § 210.3(b)(1). The applicant has failed to meet this burden and therefore, the appeal will be dismissed.

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