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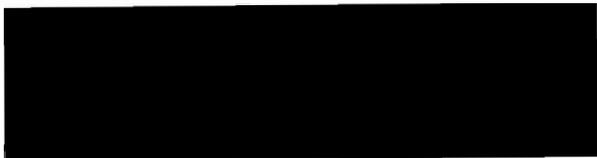
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:

[Redacted]  
XPW-89-274-4972

Office: LOS ANGELES

Date:

NOV 16 2009

IN RE:

Applicant:



APPLICATION:

Application to Adjust 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 applicant filed a Form I-698 Application to Adjust from Temporary to Permanent Resident Status which was subsequently denied by the Director, Los Angeles. The application is before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined that the applicant is statutorily ineligible to adjust status to that of a permanent resident because he has been convicted of a felony. An applicant is ineligible to adjust to permanent resident if he or she has been convicted of any felony or of three or more misdemeanors committed in the United States. 8 C.F.R. § 245a.3(c).

The term "conviction" means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where - (i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or *nolo contendere* or has admitted sufficient facts to warrant a finding of guilt, and (ii) the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed. Section 101(a)(48)(A) of the Immigration and Nationality Act (Act).

The director noted that the record of proceedings indicates that, on February 16, 2000, the applicant was convicted of violating California Penal Code (PC) § 245(A)(1) *Assault with a Deadly Weapon Likely to Cause Great Bodily Injury*, a felony, and was sentenced to four years in prison [REDACTED]. Thus, the director noted, that the applicant is not eligible to adjust status to permanent resident.

On appeal, the applicant indicates, "I would like to continue to live with my wife and raise my kids and spend time with my parents that are very ill." He does not contest his felony conviction or offer any evidence or explanation that would support his eligibility.

The applicant has been convicted of a felony. This felony conviction renders him ineligible for adjustment of status.

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