

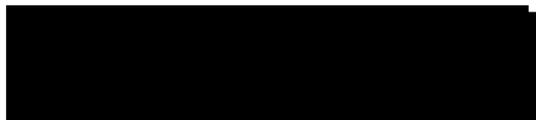
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office MS 2090
Washington, D.C. 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date: OCT 07 2010

IN RE:

Applicant:



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. Any further inquiry must be made to that office.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The director, Los Angeles, denied the application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al. v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) on January 23, 2004, and *Felicity Mary Newman, et al. v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) on February 17, 2004 (CSS/Newman Settlement Agreements). The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director denied the application, finding the applicant failed to establish his continuous residence throughout the requisite period.

On June 29, 2010, the AAO issued a notice of intent to deny/request for additional evidence (NOID/RFE) to the applicant. The applicant failed to respond to the NOID/RFE.

An alien who has been convicted of a felony or three or more misdemeanors in the United States is ineligible for temporary resident status. 8 C.F.R. § 245a.2(c)(1).

An alien is inadmissible if he has been convicted of a crime involving moral turpitude (other than a purely political offense), or if he admits having committed such crime, or if he admits committing an act which constitutes the essential elements of such crime. Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act).

The results of the applicant's FBI fingerprint check reveals the following criminal history record:

- On or about August 12, 1986, the applicant was arrested and charged with violations of sections 23152(a) and 23152(b) of the California Vehicle Code, *driving under the influence of alcohol* and *driving with a blood alcohol level above 0.8 percent*, under the name [REDACTED], date of birth October 22, 1955, California Drivers License Number [REDACTED] (Orange County, Central Judicial District court file number [REDACTED])

On June 29, 2010, the AAO requested the applicant to submit final court dispositions for the above offenses. The applicant failed to respond.

The AAO also asked the applicant to submit evidence of continuous residence throughout the requisite period. He failed to respond.

Declarations by an applicant that he or she has not had a criminal record are subject to verification of facts by United States Citizenship and Immigration Services (USCIS). The applicant must agree to fully cooperate in the verification process. Failure to assist USCIS in verifying information necessary for the adjudication of the application may result in a denial of the application. 8 C.F.R. § 245a.2(k)(5).

The applicant failed to submit evidence to establish his eligibility and admissibility. An alien applying for adjustment of status has the burden of proving by a preponderance of evidence that he

or she is admissible to the United States under the provisions of section 245A of the Act and is otherwise eligible for adjustment of status under this section. 8 C.F.R. § 245a.2(d)(5). Based on the evidence of record, the applicant has failed to establish that he is eligible for adjustment to temporary resident status.

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