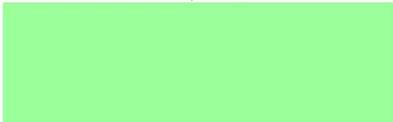




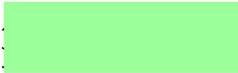
**U.S. Citizenship
and Immigration
Services**

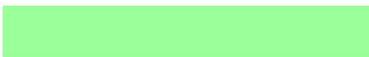
(b)(6)



Date: **MAR 22 2013**

Office: MILWAUKEE

FILE: 

IN RE: Applicant: 

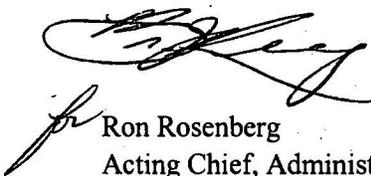
APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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 National Benefits Center. 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.



Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The director denied the application because the applicant had been convicted of at least four misdemeanors.

On appeal, the applicant asserts that more than fifteen years have lapsed since he was convicted and he has had no further legal problems.

USCIS records indicate that the Form I-687 application for temporary residence was approved on February 14, 2006. The applicant timely filed the Form I-698 application to adjust from temporary to permanent residence. The director denied the application, finding that the applicant's four misdemeanor convictions rendered him ineligible to adjust from temporary to permanent resident status.

An alien who has been convicted of a felony or three or more misdemeanors in the United States is ineligible for adjustment to permanent resident status. 8 C.F.R. § 245a.3(c)(1). "Misdemeanor" means a crime committed in the United States, either (1) punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or (2) a crime treated as a misdemeanor under 8 C.F.R. § 245a.1(p). For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor. 8 C.F.R. § 245a.1(o).

The record reveals that the applicant has the following criminal history:

1. On September 5, 1996, the applicant was convicted of violating California Vehicle Code § 14601.2(a), a misdemeanor, *driving with license suspended for drunk driving w/3 priors* (Docket # [REDACTED]) in the Superior Court of California, Monterey County, Salinas Division.
2. On July 25, 1995, the applicant was convicted of violating California Vehicle Code § 14601.2(a), a misdemeanor, *driving with a license suspended for drunk driving w/2 priors* (Docket # [REDACTED]) in the Superior Court, Monterey County, King City Division.
3. On October 24, 1994, the applicant was convicted of violating California Vehicle Code § 23152(b), a misdemeanor, *driving while intoxicated* and California Vehicle Code § 14601.5(a), a misdemeanor, *driving while license suspended* (Docket # [REDACTED]) in the Superior Court, Monterey County, King City Division.

The applicant stands convicted of at least four misdemeanors. He is therefore ineligible for adjustment to permanent resident status pursuant to 8 C.F.R. § 245a.3(c)(1). No waiver of such ineligibility is available.

(b)(6)

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