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**U.S. Citizenship  
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Services**

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*Handwritten signature or initials*

FILE:



Office: HOUSTON

Date:

FEB 18 2005

IN RE:

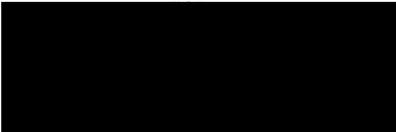
Applicant:



APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:



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.

*Handwritten signature of Robert P. Wiemann*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Houston, Texas and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district director concluded that the applicant had been convicted of at least three misdemeanors in the United States, and accordingly, denied the application.

On appeal, the applicant admits to his convictions, but requests that his application be reconsidered as he has a family to support.

The regulation at 8 C.F.R. § 245a.18(a) states in part that an alien who has been convicted of a felony or three or more misdemeanors committed in the United States is ineligible for adjustment to LPR status.

"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 the term "felony" of this section. 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.

The record reflects the applicant's criminal history in the State of Texas:

1. On May 13, 1992, the applicant was arrested for driving while intoxicated. On May 21, 1992, the applicant was convicted of this misdemeanor offense. Cause no. [REDACTED]
2. On or June 9, 1996, the applicant was arrested for driving while intoxicated. On June 26, 1996, the applicant was convicted of his misdemeanor offense. Cause no. [REDACTED]
3. On March 27, 1997, the applicant was arrested for driving while license is suspended. On March 31, 1997, the applicant was convicted of this misdemeanor offense. Cause no. [REDACTED]

The AAO does not have authority to look beyond the record of conviction when determining an applicant's eligibility for the benefit being sought. The applicant is ineligible under section 1104 of the LIFE Act due to his three misdemeanor convictions. 8 C.F.R. § 245a.11(1) and 8 C.F.R. § 245a.18(a). Therefore, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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