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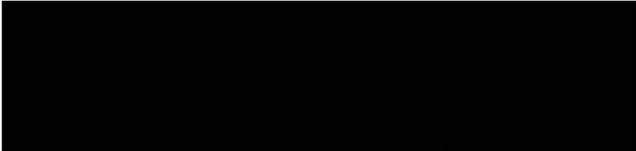
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
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U.S. Citizenship  
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FILE: [REDACTED]  
MSC 02 078 64451

Office: LOS ANGELES

Date: **DEC 22 2006**

IN RE: Applicant: [REDACTED]

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:

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

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

The district director determined that the applicant had been convicted of three or more misdemeanors and therefore, pursuant to 8 C.F.R. § 245a.18(a), was inadmissible to the United States. Accordingly, the director denied the application for adjustment of status as a permanent resident.

The applicant's criminal record history reveals the following:

- An October 1, 1999 conviction for battery on a non-cohabitating person in violation of California Penal Code 243(E). The applicant was granted summary probation for 36 months. (PEM 020379)
- Two convictions on November 1, 2000, one for driving under the influence and another for operating a vehicle without a license in violation of California Vehicle Code 23152(a) and 12500(a). The applicant was granted summary probation for 36 months and ordered to pay a fine and assessments of \$1,104. (PEM 028057)
- A May 14, 2001 conviction for disturbing the peace in violation of section 415 of the California Penal Code. He was granted summary probation for a period of 36 months and ordered to pay special fees and assessments. (PEM 029637)

The record, therefore, reflects that the applicant was convicted of four misdemeanors. The regulation at 8 C.F.R. § 245a.18 provides:

(a) *Ineligible aliens.* (1) 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 LPR status under this Subpart B.

The applicant determined that he had been convicted of two crimes involving moral turpitude in his convictions of battery against a non-cohabitating person and disturbing the peace. On appeal, the applicant asserts that he believes that he is eligible for a waiver pursuant to 8 C.F.R. § 245a.18(c) for crimes involving moral turpitude. The applicant filed a Form I-690, Application for Waiver of Grounds of Excludability. The record contains a Form I-690 application filed on October 13, 2004; however, the record does not reflect that a final decision has been rendered on the application. Nevertheless, the issue in this case is not whether the applicant was convicted of crimes involving moral turpitude, but rather, whether he is ineligible for permanent resident status on account of his multiple criminal convictions.

The regulations do not provide for a waiver of excludability for three or more misdemeanors. The petitioner has four misdemeanor convictions. Therefore, he is ineligible for admission under 8 C.F.R. § 245a.18(a) and 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.