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U.S. Citizenship  
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FILE:

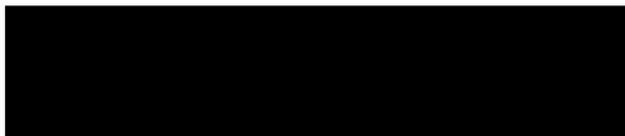
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Office: SAN DIEGO Date:

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IN RE:

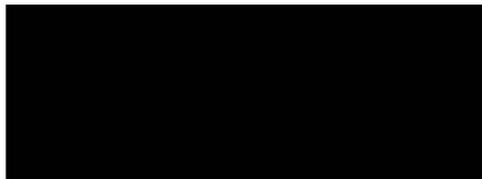
Applicant:



APPLICATION:

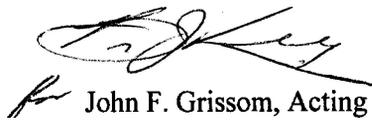
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

  
John F. Grissom, Acting Chief  
Administrative Appeals Office

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

The director denied the application because the applicant failed to submit the requested court dispositions.

On appeal, counsel asserts that the applicant did submit the requested documents. Counsel provides evidence reflecting that a response was received at the San Diego Office prior to the issuance of the director's Notice of Decision. The applicant's response will be considered on appeal.

An applicant who has been convicted of a felony or three or more misdemeanors in the United States is ineligible for adjustment to permanent resident status. Section 245A(b)(1)(C) of the Immigration and Nationality Act (the Act); 8 U.S.C. § 1255a(b)(1)(C); 8 C.F.R. §§ 245a.11(d)(1) and 18(a)(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 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).

"Felony" means a crime committed in the United States punishable by imprisonment for a term of more than one year, regardless of the term actually served, if any. There is an exception when the offense is defined by the state as a misdemeanor and the sentence actually imposed is one year or less, regardless of the term actually served. Under this exception, for purposes of 8 C.F.R. § 245a, the crime shall be treated as a misdemeanor. 8 C.F.R. § 245a.1(p).

The applicant, in response, to the Notice of Intent to Deny issued on February 2, 2006, provided the requested court dispositions, which revealed the following:

1. On March 3, 2000, in the San Diego County Superior Court, the applicant was charged with two misdemeanor counts of inflicting corporal injury upon a spouse, a violation of section 273.5(a) PC. On March 27, 2000, a misdemeanor charge of battery, a violation of section 243(a) PC was added. The applicant pled guilty to violating section 243(a) PC and was sentenced to serve five days in jail and pay a fine. The remaining charges were dismissed. Case no. [REDACTED]
2. On November 2, 2003, in the San Diego County Superior Court, the applicant was charged with driving under the influence, a violation of section 23152 VC, driving with .08 percent more alcohol in the blood, a violation of section 23152(b) VC and driving without a license, a violation of section 12500(a) VC. On November 24, 2003, the applicant pled guilty to violating sections 23152(b) VC, and 12500(a) VC. The remaining charge was dismissed. Case no. [REDACTED]
3. On July 27, 2004, in the San Diego County Superior Court, the applicant was charged with a misdemeanor count of inflicting corporal injury upon a spouse, a violation of section 273.5(a) PC. On September 1, 2004, the applicant was convicted of this charge and sentenced to serve 19 days in jail, ordered to pay a fine and was placed on summary probation for three years. Case no. [REDACTED]

4. On February 4, 2005, in the San Diego County Superior Court, the applicant was charged with driving while license was suspended or revoked for driving under the influence, a violation of section 14601.2(a) VC, and driving without a license, a violation of section 12500(a), VC, both misdemeanors. On March 18, 2005, the applicant was convicted of violating section 12500(a) VC. The applicant was ordered to pay a fine and placed on summary probation for three years. Case no. [REDACTED]

The applicant is ineligible for the benefit being sought due to his five misdemeanor convictions. 8 C.F.R. § 245a.11(d)(1) and 8 C.F.R. § 245a.18(a)(1). 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.