



U.S. Citizenship
and Immigration
Services

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Refer to File Number:
A [REDACTED]/CB

MAY 24 2005

N-336 HEARING DECISION

On April 9, 2003, your application for naturalization was denied. You filed timely a Request for Hearing on a Decision [in] Naturalization Proceedings, Form N-336, under Section 336 of the Immigration & Nationality Act. In a letter dated June 27, 2003, you requested to withdraw your request for hearing. On October 22, 2003, you were sent the N-336 Hearing Decision affirming the denial of your application.

On February 23, 2004, you filed for review of the denial decision of your application for naturalization with the United States District Court in the Northern District of California. On or about December 28, 2004, the stipulation of settlement and dismissal was filed and the parties agreed that the Citizenship and Immigration Services would reopen your application for naturalization and return it to a pending status. On March 25, 2005, you were sent a Motion to Reopen and Notice of Reopening of Decision. This second N-336 Hearing Decision supercedes all previous decisions.

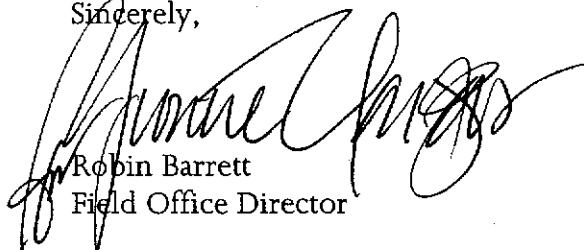
On March 25, 2005, you were sent Form N-14, requesting a court certified transcript of proceedings or plea agreement for your false/fraudulent insurance claim conviction dated August 19, 1991 stating the dollar amount you pled to. In response, you submitted from the managing court reporter of the Third District Court in Salt Lake City, Utah that the transcript for the sentencing hearing was not available as these notes were destroyed. However, the court docket confirmed that you pled guilty to Title 76, Chapter 6, Section 521, Utah Criminal Code Annotated 1953, as amended, 3rd degree attempted insurance fraud on July 10, 1991. The value of the false or fraudulent claim exceeded \$1,000.

You were sentenced on August 19, 1991 to pay a fine in the amount of \$5000 and to serve six months in jail and three years probation. You were also sentenced to pay restitution of \$29,150 plus interest on the civil judgment. Because you completed the halfway house program, your jail time was suspended and you paid the restitution in full. Your probation was terminated on May 3, 1994 and on December 1, 2000, the order entering the conviction as a class A misdemeanor was filed. On December 21, 2000, the judge ordered the case expunged.

Your application was denied because you had failed to appear for the requested Review Hearing scheduled on July 7, 2003, and failed to overcome the reasons for the denial of your application and failed to establish good moral character as required by the law.

On January 30, 2006, you appeared for further examination on your application. Based on your conviction documents, the relevant penal statutes from the state in which the conviction issued, and applicable authority from the Ninth Circuit, it appears the offense does not qualify as an aggravated felony under the Immigration and Nationality Act, Section 101(a)(43)(M). It is determined that you have sufficiently overcome the reasons for the denial of your application for naturalization. Your application is now approved. You will receive an appointment notice by mail scheduling you for the oath-taking ceremony at a later date.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Barrett", is written over the typed name and title.

Robin Barrett
Field Office Director

cc: Angela M. Bean & Associates
110 - 11th Street
Oakland, CA 94607