

Law Office of

# Charles Medina

## **N-400 Approved- Client was Convicted of Possession of a Firearm**

An alien applying for naturalization must establish, among other things, that he has good moral character. An alien does not have good moral character if he has been convicted of certain types of offenses.

In 1997, Client was convicted for carrying a loaded firearm, without aggravating circumstances, under California law. He was sentenced to probation. In 2012, he filed an N-400 application and disclosed this conviction. USCIS initially approved the N-400 but promptly revoked the approval because the firearm conviction was a ground for deportation.

We argued, however, that this conviction did not bar Client from establishing good moral character under immigration laws. We also emphasized that this conviction occurred more than 5 years prior to Client's N-400 application and was thus outside the statutory period. We also showed that Client has been a law-abiding and benevolent member of his community. The firearm conviction was the only taint in his outstanding reputation.

USCIS was not easily swayed. It even considered placing Client in removal proceedings. But after months of waiting, USCIS finally approved the N-400. Client is now a U.S. Citizen.

Please see the attachment(s) in the next page(s).

Disclaimer: This material is not intended to provide legal advice on any specific concern that the reader may have. The successful outcome of the case described above does not in any way guarantee a similar outcome in any specific legal matter concerning the reader. The reader should seek the advice of any counsel if he or she has a specific immigration problem.  
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A# A [REDACTED] NBC [REDACTED]  
Date August 03, 2012

REPRESENTATIVE COPY

[REDACTED]  
c/o CHARLES MEDINA  
MEDINA  
6281 BEACH BLVD STE 325  
BUENA PARK CA 90621

llllllllllllllll

You are hereby notified to appear for a Naturalization Oath Ceremony on:

Thursday, [REDACTED]

at: US DISTRICT COURT CENTRAL DISTRICT  
1201 SOUTH FIGUEROA STREET  
LOS ANGELES, CA 90012  
LOS ANGELES CONVENTION CNTR. (SAA), -, -

Please report promptly at [REDACTED]

**You must bring the following with you:**

- This letter, WITH ALL THE QUESTIONS ON PAGE 2 ANSWERED. TYPE OR PRINT ANSWERS IN BLACK INK.
- Permanent Resident Card.
- Reentry Permit or Refugee Travel Document.
- Any Immigration documents you may have.
- If the naturalization application is on behalf of your child (children), bring your child (children).
- Other.

**Proper attire should be worn.**



If you cannot come to this ceremony, return this notice immediately and state why you cannot appear. In such case, you will be sent another notice of ceremony at a later date. You must appear at an oath ceremony to complete the naturalization process.

U.S. Department of Homeland Security  
34 Civic Center Plaza  
Santa Ana, CA 92701



U.S. Citizenship and  
Immigration Services

Date: MAR 01 2012

**SERVICE MOTION TO REOPEN**

File: A [REDACTED]

IN RE: application approval in error

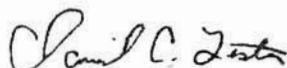
**ORDER:** Upon consideration by the Field Office Director, and in accordance with Title 8, Code of Federal Regulation, Part 103.5(a), the previous decision dated February 24, 2012 is reopened or reconsidered for review.

**DISCUSSION:** The applicant filed with the Service Form N-400, Application for Naturalization, pursuant to Section 316(a), of the Immigration and Nationality Act, as amended on November 9, 2011. On February 23, 2012, the applicant appeared for his preliminary examination. Consequently, his application was approved the following day. Further review of his file indicates that the Service acted in error in granting the Form N-400 application. Records show that the applicant was adjusted on [REDACTED] 1990. On [REDACTED] 1997 applicant was convicted in the Municipal Court of Orange, State of California for the offense of Carrying loaded Firearm in Public in violation of Section 12031(a)(1) of the California Penal Code.

**CONCLUSION:** The applicant has not established his eligibility to naturalize at this time.

**IT IS FURTHER ORDERED:** The prior decision of the Service is vacated and the application is reopened. Section 335.5 of 8 CFR states in the pertinent part "The Service shall notify the applicant in writing of the receipt of the specific derogatory information, with a motion to reopen the previously adjudicated application, giving the applicant 15 days to respond". Accordingly you are afforded 15 days in which to submit evidence by mail or appear at the above address to submit evidence in respond to this notice. If you are unable to overcome these findings, or if you fail to respond within 15 days, your Application for Naturalization will be denied.

Sincerely,

  
David A. Lester  
Field Office Director  
Signed for by:

[REDACTED] 

cc: file/Attorney