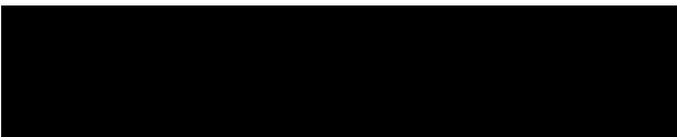


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U.S. Citizenship  
and Immigration  
Services



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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: AUG 01 2005  
[WAC 04 187 51437]

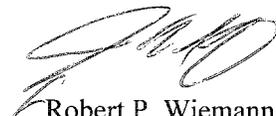
IN RE: Applicant: [Redacted]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

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, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish that he is eligible for late registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for temporary protected status only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act;....

On appeal, the applicant states that he is the sole support of his wife and child, and his family would suffer if he were to be deported to his country, Guatemala. He further states that he is an Evangelical Christian and would not be able to freely practice his faith in his country.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for temporary protected status only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act; . . . .

The director incorrectly denied the application because the applicant failed his eligibility for late registration. The record reflects that the applicant is a citizen and national of Guatemala. As a citizen and national of Guatemala, the applicant is ineligible for TPS under the provisions of section 244 of the Act. Therefore, the director's decision will be withdrawn. However, since the applicant is statutorily ineligible for TPS, the application must be denied.

It is noted that the applicant was arrested in Norwalk, California, on November 1, 1998, and charged with driving under the influence of alcohol or drugs. This offense must be addressed in any future proceeding before Citizenship and Immigration Services.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.