

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529

PUBLIC COPY



U.S. Citizenship
and Immigration
Services

MY

FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: MAR 07 2005

[WAC 02 040 57095]

IN RE:

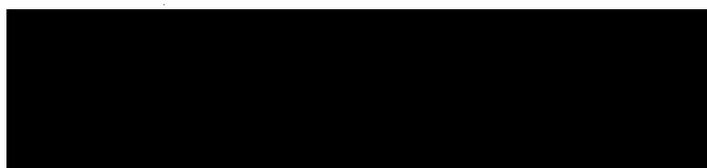
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director noted that the applicant was convicted in California: (1) on May 4, 1994, for vandalism, 594(a) PC, a misdemeanor; and (2) on September 20, 1994, for assault with a deadly weapon/instrument, 245(a)(1) PC, a misdemeanor. The director, therefore, denied the application after determining that the applicant was ineligible for TPS, pursuant to section 244(c)(2)(B)(i) of the Act, based on his two misdemeanor convictions.

On appeal, counsel asserts that the applicant "has not sustained two convictions." While counsel indicates that a brief and/or evidence will be furnished within 30 days, to date, no additional statement or evidence has been provided.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Further, while counsel states that additional evidence will be provided, the file contains no further response from counsel or the applicant. Accordingly, the appeal will be summarily dismissed.

It is noted that on June 21, 1990, the Immigration Judge administratively closed removal proceedings (File No. [REDACTED])

ORDER: The appeal is summarily dismissed.