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U.S. Citizenship
and Immigration
Services

MM

FILE:

[REDACTED]

Office: TEXAS SERVICE CENTER

Date: FEB 21 2006

[SRC 02 213 55213]

[SRC 05 022 54625, *Form I-765*]

[SRC 05 041 51908, *Appeal*]

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 for Temporary Protected Status (TPS) was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO). The applicant filed a timely motion to reopen, which is being dismissed by the AAO under separate cover. The applicant filed another application for employment authorization that was denied by the service center director because the applicant's TPS application had previously been denied. The matter is again now before the AAO on appeal to the service center director's denial of employment authorization. The previous decision of the AAO will be affirmed and this appeal will be rejected.

The applicant is a native and citizen of Honduras 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 denied the application, because the applicant failed to establish he was eligible for TPS due to his record of a felony conviction for cocaine possession.

A subsequent appeal from the director's decision was dismissed on April 29, 2003, after the Director of the AAO also concluded that the applicant had failed to establish that he was eligible for TPS.

In a previous motion to reopen, the applicant reasserted his claim of eligibility for TPS and submitted evidence in an attempt to establish his good character and his assertion that the conviction resulted from his being the "victim of a mistake."

Under separate cover, the Director of the AAO dismissed the May 14, 2003, motion to reopen and affirmed the April 29, 2003, decision of the AAO, after determining that the applicant was ineligible for TPS due to a felony conviction.

On November 2, 2004, the applicant filed a Form I-821, Application for Temporary Protected Status, marked as an application for extension of TPS benefits, or re-registration, along with a Form I-765, Application for Employment Authorization.

On November 15, 2004, the service center director issued a Notice of Decision denying the Form I-765 [SRC 05 022 54625] because the applicant's TPS application had been denied.

In the instant appeal, the applicant indicates that he is appealing the decision of November 15, 2004, and states that he believes that he is eligible for TPS, and that he needs an employment authorization document in order to work and support his family. In support of this appeal, the applicant submits additional copies of evidence relating to his residence and physical presence in the United States, that was previously entered into the record, including: check register reports from 1997 and 1998; and Western Union receipts dated November 6, 1999, April 1, 2000, January 20, 2001 and January 18, 2002; and, a form letter dated November 23, 2004, from the Texas Service Center indicating that the applicant needed to submit an application with original signatures.

As indicated in the service center director's decision of November 15, 2004, there is no appeal from a decision denying employment authorization. Therefore, this appeal will be rejected, and the previous decision of the AAO will be affirmed.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The appeal is rejected. The previous decision of the AAO dated April 29, 2003, is affirmed.