



U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 208 74956]

Office: CALIFORNIA SERVICE CENTER

Date: OCT 31 2006

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.

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

Robert P. Wiemann, Chief
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 record reveals that the applicant filed his initial TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number WAC 02 086 55507. The record revealed the following criminal offenses:

1. On November 8, 1991, the applicant was convicted in the Municipal Court of California, Santa Clara County Judicial District, State of California, on one count of shoplifting in violation of section 484/488 PC, a misdemeanor. (Date of Arrest: July 19, 1991; Docket Number C9150110).
2. On September 30, 1991, the applicant was arrested by police officers in San Jose, California, and charged with petty theft, a misdemeanor. The record does not contain the final court disposition of this charge.
3. On April 19, 2000, the applicant pled guilty in the Superior Court of California, County of Santa Clara, on one count of driving under the influence of alcohol with a blood alcohol content of 0.08% or greater in violation of section 23151(b) VC, a misdemeanor. (Date of Arrest: March 5, 2000; Docket Number CCO67610).

The director denied that application on June 19, 2002, because the applicant had been convicted of two misdemeanors.

The applicant filed a second Form I-821, Application for Temporary Protected Status, on December 15, 2003, under receipt number WAC 04 052 52023. The director denied that application on March 3, 2004, because the applicant had been convicted of two misdemeanors. On March 7, 2005, the Director (now Chief) of the AAO dismissed the applicant's appeal from the denial decision, finding that the applicant had not overcome the grounds for denial of his application. The AAO director noted that the applicant had also failed to establish his eligibility for late initial registration and his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The AAO director stated that the application also must be denied for those reasons.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 28, 2005.

The director denied the application on June 24, 2005, because the applicant's prior TPS applications had been denied and the applicant was not eligible to apply for re-registration or renewal of his temporary treatment benefits.

On appeal, the applicant failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

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. 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

It is noted that the applicant was subsequently arrested in San Jose, California, on December 11, 2004, and charged with one count of driving under the influence of alcohol and one count of driving under the influence of alcohol with a blood alcohol content of 0.08% or greater. This arrest must be addressed in any further proceeding before CIS.

It is further noted that the applicant is statutorily ineligible for TPS because of his record of two misdemeanor convictions. Any further TPS applications filed by the applicant will also be denied for this reason.

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 summarily dismissed.