



U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy.

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[REDACTED]

FILE:

[REDACTED]

OFFICE: Vermont Service Center

Date: APR 03 2007

[EAC 01 207 50487]

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:

[REDACTED]

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, Chief  
Administrative Appeals Office

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

The applicant claims to be a 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 withdrew the applicants TPS status after determining that the applicant had been convicted of two or more misdemeanors in the United States.

On appeal, counsel for the applicant asserts that the director factually and legally erred in withdrawing the applicant's TPS.

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). In this case counsel for the applicant asserts that the director factually and legally erred in denying the application and asserts that the applicant is prima facie eligible for TPS. Merely stating that the director factually and legally erred in a denial is not sufficient to specifically identify an erroneous conclusion of law or fact.

Prima Facie means eligibility established with the filing of a completed application for TPS containing factual information that if unrebutted will establish a claim of eligibility under Section 244 of the Act. 8 C.F.R. § 244.1. In this case the director specifically articulated that the applicant was ineligible due to his two misdemeanor convictions for Driving While Intoxicated and the applicant did not respond. Counsel's assertion is incorrect as a matter of law. The applicant has failed to identify an issue for appeal and the appeal will be dismissed.

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.

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

**ORDER:** The appeal is summarily dismissed.