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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

APR 30 2007

[SRC 01 178 53273]

[WAC 06 178 50201]

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.

Handwritten signature of Robert P. Wiemann in black ink.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be 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 determined that the applicant failed to submit requested court documentation relating to his criminal record. The director, therefore, withdrew the applicant's temporary protected status.

On appeal, counsel for the applicant requests an additional thirty days in which to submit a brief and/or evidence. To date, there has been no further correspondence from the applicant or counsel. Therefore, the record must be considered complete. The applicant also submits a copy of a court disposition for the applicant's arrest.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if it is determined that the alien failed without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.14.

The record reveals that the applicant was arrested on October 8, 2004 by the Houston, Texas Sheriff's Office for "Poss. CS PG <1G."

On October 14, 2005, the director notified the applicant of the intent to withdraw his temporary protected status if the applicant failed to provide the final court disposition for the applicant's arrest. The applicant was granted 30 days to submit evidence to submit the court documentation. The applicant failed to respond. The director, therefore, withdrew the applicant's temporary protected status.

On appeal, counsel requests an additional thirty days in which to submit a brief and/or evidence. To date, there has been no further correspondence from the applicant or counsel. Therefore, the record must be considered complete. Counsel also states that the applicant did not receive the request for information. The notice was sent to the applicant's address of record. There is nothing in the record to indicate that the notice was returned to CIS by the U.S. Postal Service as undeliverable. Therefore, the applicant's failure to receive the notice is of his own making. The applicant also submits a copy of the final disposition of the arrest listed above. The disposition indicates that the applicant was convicted of "Possession of cocaine – less than 1 gram," a felony.

The applicant is ineligible for temporary protected status because of his felony conviction. 8 C.F.R. § 244.4(a).

An alien is inadmissible if he has been convicted of, or admits having committed, or admits committing acts which constitute the essential elements of a violation of (or a conspiracy to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act, 21 USC 802). Section 212(a)(2)(A)(i)(II) of the Act.

The record of proceeding reflects that on February 12, 1996, an immigration judge ordered the applicant removed from the United States to El Salvador. A Warrant of Removal/Deportation, Form I-205, was issued on November 9, 1998. The applicant failed to appear at the Houston district office on November 9, 1998, for his enforced departure.

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.