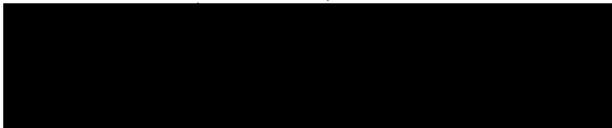




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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **APR 30 2007**  
[WAC 05 222 83937]

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, 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**DISCUSSION:** The applicant's temporary protected status was withdrawn by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal.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 Honduras on June 3, 2004 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, the applicant requests that his case be reopened. The applicant also submits evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States.

The director shall withdraw TPS granted to an alien if "the alien was not in fact eligible for such status" or if "the alien fails, without good cause to [re-register...in a form and manner specified by" the Secretary. Title 8 of the Code of Federal Regulations (CFR), part 244.14(a)(1) and (3) further state that the director may withdraw the status of an alien granted TPS if "the alien was not in fact eligible at the time such status was granted, or, at any time thereafter ineligible for such status" or if "the alien fails without good cause to [re-]register.

The record reveals the following offenses:

- (1) On April 24, 2005, the applicant was arrested by the Smyrna, Georgia Police Department for "DUI - Alcohol."
- (2) On July 16, 2005, the applicant was arrested by the Marietta, Georgia Police Department for "Driving While License Suspended/Revoked."
- (3) On January 5, 2006, the applicant was arrested by the Marietta, Georgia Police Department for "Driving While License Suspended/Revoked."
- (4) On February 13, 2006, the applicant was arrested by the Smyrna, Georgia Police Department for "Probation Violation."

On April 11, 2006, the director notified the applicant of the intent to withdraw his temporary protected status because the record reflected that he had failed to submit requested court documentation relating to his criminal record. The applicant was granted 30 days to submit the requested evidence. The applicant failed to respond. The director, therefore, withdrew the applicant's temporary protected status. The director also denied the applicant's TPS re-registration.

The applicant, on appeal, requests that his case be reopened. The applicant also submits evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States. However, this does not mitigate the applicant's failure to provide the requested court documentation. According to the applicant, he has provided all of the requested documents, however, the applicant has not submitted the requested court documents. Therefore, he has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14.

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.