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U.S. Citizenship
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AUG 20 2007

FILE: 
[WAC 05 217 75124]

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Applicant:



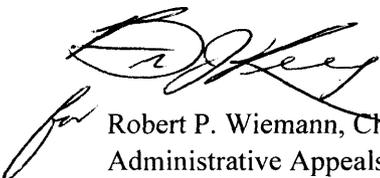
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is 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 record reveals that the applicant filed a TPS application during the initial registration period on April 3, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 172 58841. The Director, California Service Center, approved that application on December 31, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 5, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On November 3, 2000, the applicant was arrested by the Los Angeles Police Department for "Count of Annoy/Molest Children – 18."
- (2) On December 4, 2004, the applicant was arrested by the Los Angeles Police Department for "VC-DUI Alcohol/ Drugs."
- (3) On July 2, 2005, the applicant was arrested by the Los Angeles Police Department for "Under Influence of a Controlled Substance."
- (4) On May 9, 2006, the applicant was arrested by the Los Angeles Police Department for "Burglary."

The director withdrew temporary protected status because the applicant had failed to submit requested court documentation relating to his criminal record.

On appeal, counsel for the applicant submits the requested court documents for the December 4, 2004 arrest, which indicates that the applicant was convicted of "DUI Alcohol/0.08 Percent" and the "VC-DUI Alcohol/Drugs charge was dismissed. Counsel also submits court records that indicate the May 9, 2006 "Burglary" charge was dismissed as well. According to counsel's September 12, 2005 letter in response to the Notice of Intent to Withdraw the applicant's TPS, the applicant was never prosecuted for the November 3, 2000 arrest because of a lack of sufficient evidence. In addition, he claims that the applicant was not arrested on July 2, 2005, according to results from the CAL DOJ. However, the applicant has not provided evidence to support these claims. The evidence presented by the applicant indicates that he was arrested for these crimes, but unlike the other charges, no final dispositions have been provided. While the applicant claims on one hand that the record for this arrest is no longer available because of its date, he also contends that the record would be available to CIS. Furthermore, the applicant submits a copy of a document from the Superior Court of California County of Los Angeles stating that no other records other than those for the December 4,

2004 arrests were found. That document states that records were sought in the name of [REDACTED]. However, the Federal Bureau of Investigations fingerprint report lists the applicant's name as [REDACTED] and indicates the applicant was arrested on July 2, 2005 under the name of [REDACTED]. There is no evidence in the record that a search was conducted for arrests under these names.

The applicant has failed to provide sufficient evidence revealing the final court disposition of his arrests detailed above. The applicant is ineligible for temporary protected status because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a). Therefore, the director's decision is affirmed.

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 will be dismissed.