



U.S. Citizenship
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Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **AUG 23 2007**
[WAC 01 244 57255, as it relates to WAC 05 225 75050]

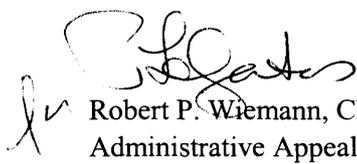
IN RE: Applicant: [REDACTED]

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DISCUSSION: Approval of the applicant's Temporary Protected Status was withdrawn by the Director, California Service Center (CSC), and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a citizen and national 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 on July 17, 2001. The director approved that application on January 29, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 13, 2005, and indicated that he was re-registering for TPS.

The director withdrew the applicant's TPS status on September 18, 2006, after determining that the applicant failed to provide the final court dispositions with regards to his past arrests.

Sec. 244.14 Withdrawal of Temporary Protected Status.

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following: (Amended 11/16/98; 63 FR 63593)

(1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status; (emphasis added)

Further, an alien shall not be eligible for temporary protected status under this section if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The record of proceedings contains a Federal Bureau of Investigation (FBI) report reflecting the following offenses:

- (1) On April 2, 2001, the applicant was arrested by the Sheriff's Office Norwalk, California, and charged with "001 Count Robbery;" and,
- (2) On July 6, 2001, the applicant was arrested by the Los Angeles Police Department and charged with "001 Counts of Theft."

On July 24, 2006, the director sent a notice of intent to withdraw the applicant's TPS status based on the applicant's past arrests as detailed above, and requested the applicant to provide the final court dispositions for these arrests. The director determined that the applicant did not respond to the July 24, 2006, request and therefore, the director withdrew the applicant's TPS status on September 18, 2006.

On appeal, the applicant provides copies of the following documentation: a request for production of documents from the applicant's attorney, Bononi & Kouri; his applications for employment authorization and temporary protected status; a change of address form; his letter to CIS stating that he did not receive the director's request for evidence; a case status search response from CIS; his Fingerprint Notification; two personal checks; his patient follow-up instructions; a court disposition from the Superior Court of California, Los Angeles, regarding the charge under California Penal Code Section 484(a) reflecting a sentence of 5 days in jail and a fine of \$603; and, a retainer agreement.

A review of the submitted evidence reveals that the applicant did not provide any evidence regarding the final court dispositions of his arrest as detailed in No. 1 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 to withdraw the applicant's TPS status will be sustained, and the applicant remains ineligible for TPS.

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.