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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **AUG 23 2007**
[WAC 05 229 76293, as it relates to SRC 04 105 54441]

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 California Service Center. 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DISCUSSION: Approval of the applicant's Temporary Protected Status was withdrawn by the Director, California Service Center (CSC). The CSC director also denied the application for re-registration. 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 with the Texas Service Center (TSC) on February 27, 2004. The director approved that application on November 29, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, with the CSC on May 17, 2005, and indicated that he was re-registering for TPS.

The CSC director withdrew the applicant's TPS status on June 27, 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 September 3, 1990, the applicant was arrested by the Sheriff's Office Norwalk, California, and charged with "Grand Theft Property;" and,
- (2) On November 30, 1992, the applicant was arrested by the Greenville, South Carolina Highway Patrol and charged with "Signing False Affidavit."

On February 23, 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 request and therefore, withdrew the applicant's TPS status on June 27, 2006.

On appeal, the applicant provides copies of the following documentation: a certified copy of a case history report from the State of South Carolina reflecting that the applicant was guilty of Signing False Affidavit; a letter dated April 17, 2006, from the Superior Court of California, County of Los Angeles, stating that no case number or record was found under the name of [REDACTED], as well as various documents regarding the applicant's residence in the United States.

The applicant submits the court case disposition regarding his arrest as detailed in No. 2 above; however, a review of the record 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.

It is noted that the record of proceedings reflects that the applicant was ordered removed from the United States by an Immigration Judge on June 22, 1989, at Los Angeles, California. The record also reflects that the applicant departed the United States on April 2, 1992.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.