

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



M

FILE: 
[SRC 01 193 61510]

Office: VERMONT SERVICE CENTER

Date: **AUG 23 2007**

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: 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DISCUSSION: Approval of the applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center (VSC), and the case is now before the Administrative Appeals Office (AAO) on appeal.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 March 29, 2001. That application was approved on April 12, 2002.

The director withdrew the applicant's TPS status on September 12, 2006, after determining that the applicant failed to provide the final court dispositions with regard 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 July 16, 2003, the applicant was arrested by the Sheriff's Office Dallas, Texas, and charged with "Asslt Causes Bodily Inj;" and,
- (2) On April 17, 2005, the applicant was arrested by the Irving, Texas, Police Department and charged with "Agg Asslt w/Deadly Weapon."

On November 28, 2005, 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 her request and therefore, the director withdrew the applicant's TPS status on September 12, 2006.

On appeal, the applicant provides copies of the following documentation: a certificate of completion from the Men's Non-Violence Project dated August 28, 2004; and a notification of appearance from the Municipal Court of Irving, Texas.

A review of the submitted evidence reveals that the applicant did not provide any evidence regarding the final court dispositions of his arrests as detailed in No. 1 and No. 2 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.