

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M



FILE: [REDACTED]
[SRC 99 120 53248]

Office: TEXAS SERVICE CENTER

Date: DEC 18 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 Texas Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, (TSC), and is now before the Administrative Appeals Office on appeal. The appeal is sustained.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The applicant filed an initial Form I-821, Application for Temporary Protected Status, on January 29, 1999, under receipt number SRC 99 120 53248 during the initial registration period. The application was denied by the TSC Director on January 27, 2004, because the applicant had failed to provide final court dispositions for his arrest on February 25, 1996 by the Metro Dade Police Department in Florida for simple assault and for his arrest on June 13, 1999 by the Hialeah Police department for battery and "EVIDENCE-DESTROYING-TAMPER WITH PHYSICAL EVIDENCE" as revealed on his Federal Bureau of Investigation background check.

On appeal, the applicant submits court disposition documentation from the Deputy Clerk in the Circuit and County Courts of the Eleventh Judicial Circuit of Florida in and for Miami-Dade County. A certification from the Deputy Clerk dated February 11, 2004, reflects that the applicant was not prosecuted for his arrest on February 25, 1996 under case Number [REDACTED] for assault or battery and the disposition date was January 22, 1997. The certification also shows that he was not prosecuted for his arrest on June 13, 1999 under case number [REDACTED] for battery and the disposition date was October 19, 1999. A separate certification dated July 14, 1999, from the Deputy Clerk shows that the charge of "TAMPER/WITNESS/THREAT" under case number [REDACTED] was reduced to battery and that it was transferred to case number [REDACTED] listed above. No action was taken on the tampering charge and it was disposed of on July 14, 1999.

The record reflects no crimes for which the applicant has been convicted and he has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

An alien applying for TPS has the burden of proving that he or she meets the requirements listed above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The appeal is sustained and the application is approved.