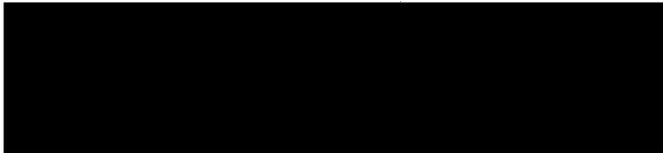




U.S. Citizenship  
and Immigration  
Services

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prevent clearly unwarranted  
invasion of personal privacy



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

**DEC 27 2007**

[WAC 05 215 70762]

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.

for  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant is a native and 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 her application for TPS on March 3, 2005. On December 19, 2005, the director requested the applicant to submit documentation to establish her eligibility for late registration, as well as her qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted some evidence in an attempt to establish her eligibility for TPS. The director determined that the applicant failed to provide sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States, and therefore denied the application on March 8, 2006.

The applicant filed an appeal with some additional evidence of her residence and physical presence in the United States. A review of the documentation contained in the record of proceedings reflects that the applicant has submitted sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States. Accordingly, those grounds of denial have been overcome.

However, the record contains a Federal Bureau of Investigation (FBI) transmittal showing that applicant was arrested on June 6, 2007, by the Riverside, California Sheriff's Office and was charged with "001 Counts of Use False Citizen/Etc Doc" and "001 Counts of DL/ID to Cmmt Forgry." An alien is not eligible for TPS if he or she has been convicted of a felony or two or more misdemeanors committed in the United States. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The record does not contain the final court dispositions for these above noted arrests; therefore, the case is remanded to the CSC so that the director may request the necessary documentation and issue a new decision based on the findings.

It is also noted that the applicant has had a pending asylum application, as a dependent named in the application filed by her father, [REDACTED], since May 28, 1999.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The case is remanded to the director for further consideration consistent with the above and the entry of a new decision.