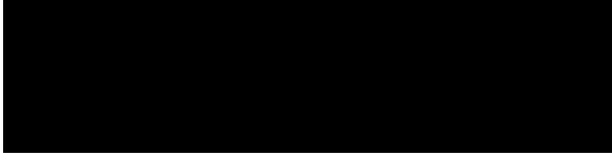


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**FEB 28 2007**

FILE:  OFFICE: CALIFORNIA SERVICE CENTER DATE:  
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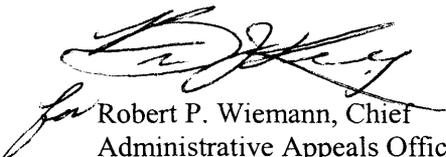
IN RE: Applicant: 

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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

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 indicates that the applicant filed a TPS application during the initial registration period on May 7, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 199 52811. The director denied that application on April 22, 2004, because the applicant was convicted of two misdemeanors; namely: on September 26, 1994, for carrying a loaded firearm; and on May 1, 1995, for driving under the influence of alcohol with a blood alcohol content of 0.08% or greater. The applicant appealed the director's decision to the AAO on May 28, 2004. The AAO affirmed the director's decision and dismissed the appeal on January 26, 2006.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on April 24, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant states that he needs additional time in which to submit a brief/and or additional evidence "due to the fact that it is taking the Service at least 90 days to honor an FOIA request." To date, however, the file contains no further response from the applicant. Therefore, the record shall be considered complete.

An alien shall not be eligible for temporary protected status 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. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The applicant was convicted of two misdemeanors and his convictions continue to preclude a favorable finding of eligibility for TPS. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). There is no waiver available for this ground of ineligibility. Therefore, the application must be denied for this reason.

It is noted that the applicant was subsequently fingerprinted on April 30, 2006, based on his re-registration application. The Federal Bureau of Investigation fingerprint results report indicates that on April 8, 2006, in Los Angeles, California, the applicant was arrested for Count 1, C/LOADED F/ARM, PROHIB/ETC; Count 2, FALSE PROOF, FINANCE RESP; and Count 3, FALSE PROOF, FINANCE RESP. The final court disposition of this arrest is not included in the record of proceeding.

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.