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U.S. Citizenship
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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: **JAN 17 2007**

[WAC 05 134 82820]

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.

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

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 reveals that the applicant filed a TPS application during the initial registration period on November 19, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 02 051 56400. The director denied that application on May 14, 2004, because the applicant was convicted of two misdemeanors; namely, (1) on October 12, 1999, of unlicensed driver, 12500(a) VC, and (2) on July 21, 2000, of failure to pay installment fine, 40508(b) VC. The applicant appealed the director's decision to the AAO on June 14, 2004. The AAO affirmed the director's decision and dismissed the appeal on June 15, 2005.

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 filed the current Form I-821, Application for Temporary Protected Status, on February 11, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on January 9, 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 requests reconsideration because it is very important to him that he keeps his job and his legal status in this country.

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.

The record contains a Warrant of Removal/Deportation, Form I-205, issued in Los Angeles, California, on April 28, 1998, based on the final order of removal by an immigration judge on June 26, 1997.

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.