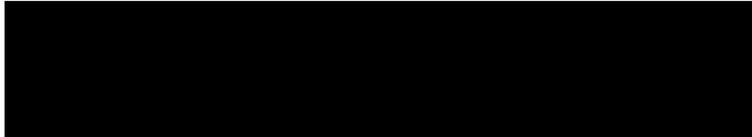




U.S. Citizenship
and Immigration
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invasion of personal privacy



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FILE



Office: CALIFORNIA SERVICE CENTER

Date: JUL 02 2007

[WAC 05 222 71023]

IN RE:

Applicant:

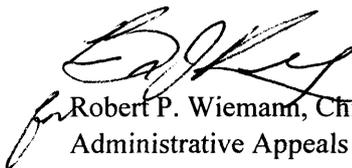


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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. Wiemam, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals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 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 June 19, 2001, under Citizenship and Immigration Services (CIS) receipt number LIN 01 209 52710. The Director, Nebraska Service Center, approved that application on December 3, 2001.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 10, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On October 18, 2002, the applicant was arrested by the Seattle, Washington Police Department for "Rape of a Child."

The director withdrew temporary protected status because the applicant had failed to submit requested court documentation relating to his criminal record.

On appeal, the applicant states that he did not understand what paperwork he needed to submit regarding his arrest. According to the applicant, he has provided evidence that his sentence was suspended and he was not charged with a felony. Based on the evidence provided by the applicant, the record indicates that he was convicted of "Communication with a Minor for Immoral Purposes", a misdemeanor. The most commonly accepted definition of a crime involving moral turpitude is an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man. *Jordan v. De George*, 341 U.S. 223, reh'g denied, 341 U.S. 956 (1951). The crime of "Communication with a Minor for Immoral Purposes" involves moral turpitude. An alien is inadmissible if he has been convicted of a crime involving moral turpitude (other than a purely political offense), or if he admits having committed such crime, or if he admits committing an act which constitutes the essential elements of such crime. Section 212(a)(2)(A)(i)(I) of the Act. Therefore, the applicant is inadmissible under section 212(a)(2)(A)(i)(I) of the Act due to his misdemeanor conviction detailed above.

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish his qualifying continuous residence since February 13, 2001 and continuous physical presence from March 9, 2001 to the filing date of the TPS application. Therefore, the application must be denied for these reasons as well.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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 will be dismissed.