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FILE:



Office: CALIFORNIA SERVICE CENTER

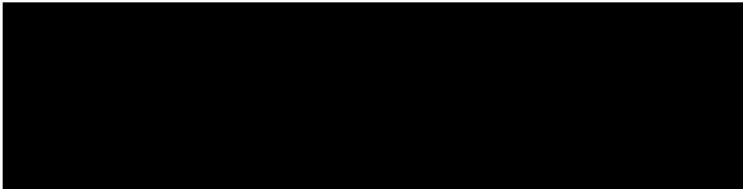
Date:

[WAC 01 167 50045]

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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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied and the TPS status of the applicant was withdrawn by the Director, California Service Center. The application is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a citizen and national 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 his initial TPS application on March 22, 2001. The director approved that application on February 16, 2004.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on April 29, 2005, and indicated that he was re-registering for TPS.

The director withdrew the applicant's TPS status on October 19, 2006, after determining that the applicant was ineligible for TPS, pursuant to section 244(c)(2)(B)(i) of the Act, based on his past criminal convictions.

Sec. 244.14 Withdrawal of Temporary Protected Status.

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following: (Amended 11/16/98; 63 FR 63593)

(1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status; (emphasis added)

Further, an alien shall not be eligible for temporary protected status under this section 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. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The record of proceedings contains a Federal Bureau of Investigation report reflecting that the applicant was arrested for the following:

- 1) On April 19, 2003, the applicant was arrested by the Los Angeles Police Department and charged with "001 Counts of DUI Alcohol/Drugs;"
- 2) On May 17, 2003, the applicant was arrested by the Santa Monica Police Department and charged with "001 Counts of Theft;"
- 3) On July 23, 2003, the applicant was arrested by the Norwalk Police Department and charged with "001 Counts of DUI Alcohol/Drugs;"
- 4) On January 29, 2004, the applicant was arrested by the Los Angeles Police Department and charged with "001 Counts of Poss Firearm W/Altered ID;"

- 5) On April 11, 2004, the applicant was arrested by the Los Angeles Police Department and charged with "001 Counts of Batt PO/Emerg Prsnl/Etc." under the alias of [REDACTED]
- 6) On May 21, 2004, the applicant was arrested by the Los Angeles Police Department and charged with "001 Counts of Aslt W/Firearm on Person;" and,
- 7) On April 9, 2005, the applicant was arrested by the Los Angeles Police Department and charged with "001 Counts of Force/Adw Not Firearm, GBI" under the alias of [REDACTED]

On January 25, 2006, the director sent a notice of intent to withdraw the applicant's TPS status based on the applicant's past arrests as detailed above. The director determined that the record did not contain a response from the applicant; therefore, the director withdrew the approval of the applicant's TPS status on October 19, 2006.

On appeal, the applicant requests reconsideration of his case and submits copies of dispositions from the Superior Court of California in Los Angeles County.

A review of the court disposition from the Superior Court of California in Los Angeles County reveals the that applicant was convicted of the following:

- a) "Carries Loaded Firearm" (under California section 12031(A)(1)), a felony, and sentenced to serve 2 years in any state prison;
- b) "Driving With Suspended License" (under California Section 14601.1), a misdemeanor, and sentenced to 7 days in jail and pay a fine of \$1,095;
- c) "VC Misd – Unlicensed Driver" (under California section 12500(A)), a misdemeanor, and sentenced to pay a fine of \$168; and,
- d) "VC Misd – Und Inflnce Alchl/Drug in Veh." (under California Section 23152(A)), a misdemeanor, and sentenced to 60 days and pay a fine of \$1,366.

According to the court dispositions, the applicant has been convicted of at least one felony and three misdemeanor offenses. In addition, the applicant has failed to provide the final court dispositions relating to his arrests as detailed in Nos. 2, 3, 4, 5, 6 and 7. Therefore, the director's decision to withdraw the applicant's TPS status will be sustained, and the applicant remains ineligible for TPS.

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 is dismissed.