



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER  
[WAC 07 013 50155, appeal]  
[WAC 06 248 77021]  
[WAC 99 133 52669]

Date: JUL 23 2007

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals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 Honduras 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 March 31, 1999, under Citizenship and Immigration Services (CIS) receipt number WAC 99 133 52669. The Director, California Service Center, approved that application on February 17, 2000.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 4, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On March 1, 2002, the applicant was arrested by the Miami, Florida Police Department for "Driving Under the Influence."
- (2) On September 25, 2004, the applicant was arrested by the St. Joseph, Missouri Police Department for "Domestic Assault – 3<sup>rd</sup> Degree – 1<sup>st</sup>/2<sup>nd</sup> Offense."

The director withdrew temporary protected status because the applicant had failed to submit requested court documentation relating to his criminal record. However, the applicant did provide a copy of a Miami-Dade records dated August 14, 2006, a Complaint Affidavit, and Booking Record dated March 1, 2002, a computer printout regarding a February 25, 2004 moving violation in Kansas City, Missouri, and, a bench warrant issued on July 28, 2004 regarding the moving violation. However, the applicant did not provide the requested final court documentation. Therefore, the director's decision is affirmed.

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish his qualifying continuous residence since December 30, 1998 and continuous physical presence from January 5, 1999 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.