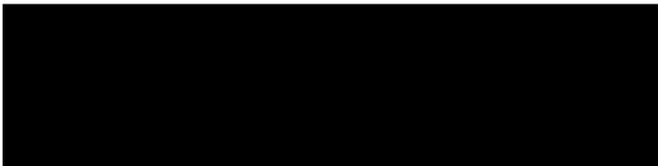


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Services**

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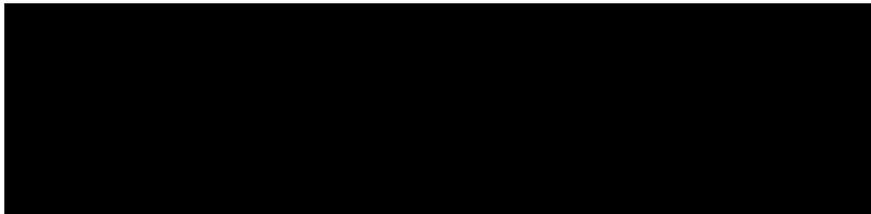
Office: California Service Center

Date: MAY 02 2007

[SRC 01 150 59510 & WAC 05 216 71043]

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DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal.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 an initial TPS application on March 19, 2001, under CIS receipt number SRC 01 150 59510. The Texas Service Center director approved that application on October 7, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 4, 2005, under CIS receipt number WAC 05 216 71043, and indicated that he was re-registering for TPS.

The California Service Center director simultaneously withdrew the applicant's TPS and denied the re-registration application, on February 28, 2006. The director determined that the applicant failed to submit evidence requested in a September 2, 2005, notice of intent to withdraw, for the final court dispositions of an arrest by the Las Vegas Police Department, Las Vegas, Nevada, on October 22, 1989, for "Carry Concealed Weapon." The director noted that with his response, the applicant submitted criminal record searches from Harris County, Texas, and from Clark County, Nevada; however, he did not include the requested court disposition. The director, therefore, deemed the re-registration application abandoned. A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The director, simultaneously, withdrew the applicant's temporary protected status as the applicant failed to comply with re-registration requirements for TPS. Since there was no appeal available for the re-registration application, the AAO will only consider the appeal of the director's decision to withdraw TPS.

On appeal, the applicant states that he traveled to Nevada to the Justice Court to obtain the court disposition, and he is resubmitting all of the documents he obtained from the court. With the appeal, the applicant submits a record search from the County Clerk, Clark County, Nevada, which states that there are no records for [REDACTED] and [REDACTED]. In addition, the applicant submitted an arrest report, and a record search from the Nevada Police Department, for [REDACTED] indicating an arrest on October 22, 1989, and charges for JAY WALK, and CCW. However, a final court disposition is not in the record of proceedings. It is noted that the county record search, which indicates "no record" is not under the same name as the Nevada Police Department search.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if it is determined that "the alien was not in fact eligible for such status" or if "the alien fails, without good cause, to re-register ... in a form and manner specified by" the Secretary. The Regulations under 8 C.F.R. § 244.14(a)(1) and (3) further states that the director may withdraw the status of an alien granted TPS if, "the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status," or if, "the alien fails without good cause to re-register".

As noted above, on September 2, 2005, the director notified the applicant of the intent to withdraw his temporary protected status because the record reflected that the applicant had been arrested for carrying a concealed weapon. The applicant was granted 30 days to submit final court dispositions. As the applicant failed to submit the requested court dispositions, the director determined the applicant had failed to re-register for TPS and, simultaneously, withdrew the applicant's temporary protected status.

After a review of the record, the Chief, AAO, concurs with the director's withdrawal decision. The applicant has failed to submit the final court disposition.

The AAO also notes that the final court disposition for the arrest on October 22, 1989 is not in the record of proceeding. CIS must address this arrest and any conviction(s) in any future proceedings.

It is also noted that the record reveals that the applicant was placed in removal proceedings, ordered removed from the United States by the Immigration Judge, on January 26, 1987, and deported at Houston, Texas, on November 27, 1989.

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.