

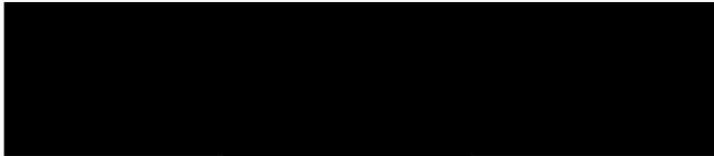


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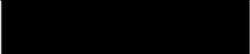
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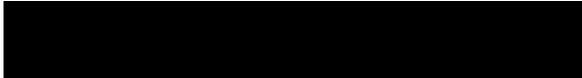
Office: CALIFORNIA SERVICE CENTER

Date: MAY 14 2007

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IN RE:

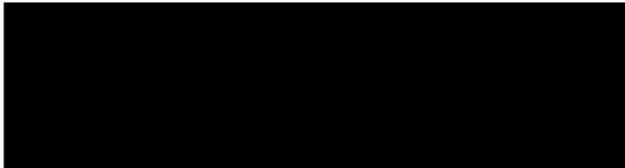
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals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 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 April 27, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 197 56252. The Director, Texas Service Center, approved that application on February 26, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 20, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On February 8, 2004, the applicant was arrested by the Springdale, Arkansas Police Department for "Battery 3rd Degree", a misdemeanor. The applicant was convicted of this charge on July 16, 2004 and sentenced to 90 days in jail.
- (2) On May 14, 2004, the applicant was arrested by the Springdale, Arkansas Police Department for "Careless/Prohibited Driving", a misdemeanor. The applicant was convicted of this charge on June 6, 2004.
- (3) On January 1, 2005, the applicant was arrested by the Springdale, Arkansas Police Department for "Careless/Prohibited Driving", a misdemeanor. The applicant was convicted of this charge on January 21, 2005.

The director withdrew temporary protected status because the applicant had been convicted of more than two misdemeanors in the United States.

On appeal, counsel for the applicant claims that the Careless/Prohibited Driving charges were traffic violations and not misdemeanors. However, neither counsel nor the applicant provides evidence to support this claim. Therefore, he has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14.

Furthermore, 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 is dismissed.