

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

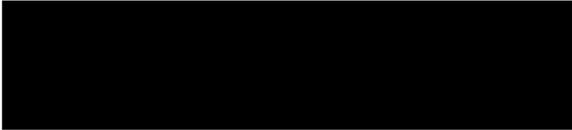
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

ML



FILE:



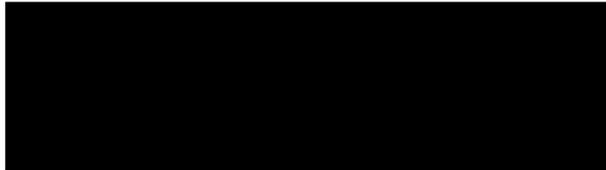
OFFICE: CALIFORNIA SERVICE CENTER

DATE: NOV 15 2007

[LIN 03 014 50691]
[WAC 05 210 74170]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, California Service Center, and the case is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant claims to be a native and citizen of El Salvador who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on January 21, 2003. The director subsequently withdrew the applicant's TPS status on March 27, 2006, when it was determined that the applicant had failed to submit the final court dispositions of all of his arrests as requested in the Notice of Intent to Deny (ITW) dated August 30, 2005. Within the same decision, the director denied the applicant's re-registration application, filed on April 28, 2005, under Citizenship and Immigration Services (CIS) receipt number WAC 05 210 74170, because the underlying TPS was withdrawn based on the applicant's failure to timely and/or adequately respond to the ITW.

The director may withdraw the status of an alien granted TPS at any time if it is found that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. Section 244(c)(3)(A) of the Act and 8 C.F.R. § 244.14(a)(1).

The applicant makes no statement on appeal. He checked the block: "I am sending a brief and/or evidence to the AAO within 30 days." To date, however, no additional statement or evidence has been provided.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Further, while the applicant states that additional evidence will be provided, the file contains no further response from the applicant. Accordingly, the appeal will be summarily dismissed.

It is noted that the record of proceeding contains the following offenses:

- (1) On February 26, 2002, in the County Court of Douglas County, Nebraska, Case No. [REDACTED] (arrest date February 2, 2002, the applicant was indicted for Count 1, driving during suspension, in violation of NRS 60-4.108(b), a Class III misdemeanor; and Count 2, driving without lights, in violation of NRS 60-6.219, a Class III misdemeanor. On March 4, 2002, the applicant was convicted of Count 1. He was ordered to pay \$100 in fines and costs. Count 2 was dismissed.
- (2) On July 17, 2002, in the County Court of Douglas County, Nebraska, Case No. [REDACTED] (arrest date May 6, 2002), the applicant was indicted for Count 1, leaving the scene of a personal injury accident, in violation of NRS 60-697, a Class I misdemeanor; Count 2, false information, in violation of NRS 20-26, a misdemeanor; and Count 3, reckless driving, in violation of NRS 60-6.213, a Class III misdemeanor. On November 7, 2002, the applicant was convicted of Count 1. He was sentenced to the Corrections Center for a term of 120 days. Counts 2 and 3 were dismissed.
- (3) On August 28, 2003, in the Circuit Court, First Judicial Circuit, County of Union, South Dakota, Docket No. [REDACTED] (arrest date August 9, 2003), the applicant was arrested for Count 1, possession of marijuana, in violation of SDCL 22-42-6, a Class 1 misdemeanor; Count 2, ingestion, in violation of SDCL 22-42-15, a Class 1 misdemeanor; Count 3, possession of drug paraphernalia,

in violation of SDCL 22-42A-3, a Class 2 misdemeanor; and Count 4, possession of suspended license, in violation of SDCL 32-12-67, a Class 1 misdemeanor. On August 28, 2003, the applicant was convicted of Count 2 (ingestion). He was sentenced to 2 days in the county jail, and ordered to pay \$390 in fines and costs. Counts 1, 3, and 4 were dismissed.

- (4) On March 22, 2005, in the County Court of Douglas County, Nebraska, Case No. [REDACTED] (arrest date February 21, 2005), the applicant was indicted for Count 1, driving during suspension, in violation of NRS 60-4.108(b), a Class III misdemeanor; Count 2, failure to produce proof of insurance, in violation of NRS 60-312, a Class IV misdemeanor; and Count 3, unlawful display of license plate, in violation of NRS 60-323, a Class III misdemeanor. On March 28, 2005, the applicant was convicted of Count 1. He was ordered to pay \$175 in fines and costs. Count 2 was dismissed.

The applicant is ineligible for TPS due to his four misdemeanor convictions, detailed above. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). The director's decision to withdraw the applicant's TPS and to deny the re-registration application will be affirmed.

It is further noted that the record of proceeding does not contain the applicant's birth certificate and picture identification, or a passport, to establish his nationality and identity as required by 8 C.F.R. § 244.9(a)(1).

In removal proceedings held on December 17, 2002, in Chicago, Illinois, the Immigration Judge administratively closed removal proceedings based on the filing of a TPS application by the applicant.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The appeal is summarily dismissed.