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FILE:



[WAC 01 199 56372]  
[WAC 05 134 78091]

Office: CALIFORNIA SERVICE CENTER

Date:

NOV 23 2007

IN RE:

Applicant:



APPLICATION:

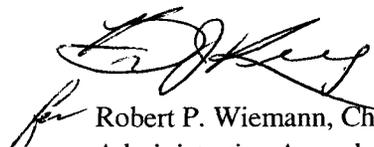
Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

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 initial application was denied by the Director, California Service Center. A subsequent application for re-registration was denied by the Director, California Service Center, and is currently 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 of proceedings shows that the applicant filed an application for TPS during the initial registration period under CIS receipt number WAC 01 199 56372. The director approved that TPS application on November 19, 2003. The director withdrew the approved application on August 29, 2005, after determining that the applicant had been convicted of two or more misdemeanors or a felony.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 11, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant submitted copies of the final court disposition stemming from his arrest on March 11, 2004, in the County of Los Angeles, California.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

The record of proceedings shows that the applicant was arrested on March 11, 2004, by officers of the Los Angeles County Police Department, and charged with possession of a narcotic controlled substance in case [REDACTED]. The Los Angeles County Court entered a deferred judgment against the applicant for possession of a controlled substance, a lesser-included offense, on June 30, 2004. On January 12, 2005, the applicant failed to appear for his scheduled court hearing and the Court entered a bench warrant against him, and it also entered a conviction against him for possession of a narcotic controlled substance. The applicant appeared before the Court on January 14, 2005, at which time the previously issued bench warrant was quashed and the deferred entry of judgment was reinstated. The disposition report also shows that the judgment was terminated, and the plea set-aside by the Court on January 3, 2006. Therefore, the director's decision with respect to this criminal charge will be withdrawn. However, it is noted that the applicant stated in his TPS application dated May 8, 2001, Part 4.d, that he was arrested on or about July of 1998 on a DUI charge, that he spent one night in custody, and that he paid a fine.

The applicant has failed to provide any evidence revealing the final court disposition of his 1998 arrest. The applicant is ineligible for temporary protected status because of his failure to provide all information as necessary for the adjudication of his application. 8 C.F.R. § 244.9(a). Consequently, the director's decision to withdraw the approval of the initial TPS application for this reason will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient credible evidence to establish his qualifying continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001, as described in 8 C.F.R. § 244.2(b) and (c). The applicant submitted as evidence a copy of a notice statement from the Inglewood, California Gas Company dated July through August of 2000, and untranslated documents dated November of 1999, and April and October of 2000. These documents are dated prior to the requisite time periods.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

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.