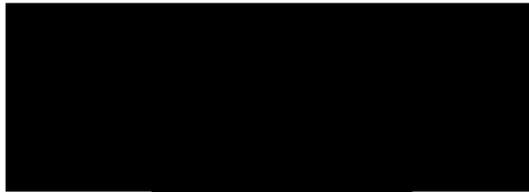


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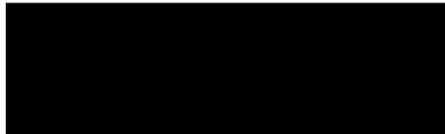
Office: Vermont Service Center

Date: **OCT 26 2007**

[WAC 01 190 51364]

IN RE:

Applicant:



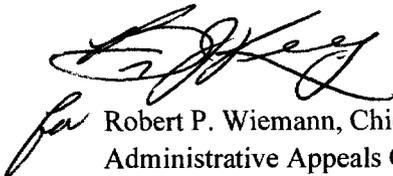
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254.

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 Vermont Service Center. 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DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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 an initial TPS application on April 24, 2001, under CIS receipt number WAC 01 190 51364. The director approved that application on May 4, 2004.

The director withdrew TPS on October 7, 2005. The director noted that the applicant's Federal Bureau of Investigation (FBI) fingerprint results report, completed in connection with her re-registration application, reflects that the applicant was arrested on entry by the US Border Patrol, Laredo, Texas, on February 18, 2001. The director also noted that the applicant failed to submit credible evidence, as requested by the director in an August 31, 2005 notice of intent to withdraw, to establish that she resided in the United States prior to February 13, 2001. The director, therefore, withdrew TPS as the applicant failed to establish continuous residence in the United States from February 13, 2001.

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".

After a review of the record, the Chief, AAO, concurs with the director's withdrawal decision. The applicant has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14. As noted by the director, the records confirm that the applicant was apprehended on entry by the US Border Patrol, Laredo, Texas, on February 18, 2001. It is noted that the applicant was placed in removal proceeding, and her case was administratively closed by an Immigration Judge on October 23, 2001.

The applicant is ineligible for TPS because she has failed to establish the requisite continuous residence in the United States as required under Section 244 (c)(1)(A)(ii) of the Act. Consequently, the director's decision to withdraw TPS must be affirmed for this reason. 8 C.F.R. § 244.2 (b) and (c).

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.