

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M1

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

SEP 20 2007

[WAC 05 064 75582]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

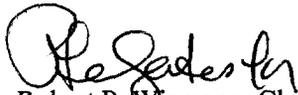
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied and the TPS status of the applicant was withdrawn by the Director, California Service Center. The application is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a citizen and national of Honduras 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 on July 13, 1999. The Director, Texas Service Center, approved that application on June 17, 2000.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 3, 2004, and indicated that he was re-registering for TPS.

The director withdrew the applicant's TPS status on August 3, 2006, after determining that the applicant failed to timely respond to a request for evidence regarding his past arrests.

Sec. 244.14 Withdrawal of Temporary Protected Status.

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following: (Amended 11/16/98; [REDACTED])

(1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status;(emphasis added)

Further, an alien shall not be eligible for temporary protected status under this section if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The record of proceedings contains a Federal Bureau of Investigation (FBI) report reflecting that the applicant was arrested on December 13, 2001, by the Lancaster, South Carolina Police Department and charged with "Criminal Domestic Violence 1st Offense."

On September 29, 2005, the director sent a notice of intent to withdraw the applicant's TPS status based on the applicant's past arrest as detailed above, and requested the applicant to provide the final court disposition for this arrest. The director determined that the record did not contain a response from the applicant; and therefore, withdrew the applicant's TPS status on August 3, 2006.

On appeal, the applicant states that he previously submitted the requested documentation; however, he sent the documentation to an incorrect address. Along with his appeal, the applicant submits copies of a criminal history inquiry from the Lancaster Police Department reflecting that the applicant was found guilty of "Criminal Domestic Violence."

On appeal, the applicant did not provide any evidence regarding the final court disposition of his arrest as detailed above. The applicant is ineligible for temporary protected status because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

Therefore, the director's decision to withdraw the applicant's TPS status will be sustained, and the applicant remains ineligible for TPS.

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.