

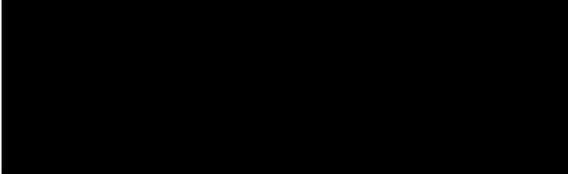
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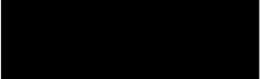
U.S. Citizenship
and Immigration
Services

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FILE:



[SRC 99 186 50447]

Office: CALIFORNIA SERVICE CENTER

Date:

SEP 25 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: Approval of the applicant's Temporary Protected Status was withdrawn by the Director, California Service Center (CSC), and the case is now before the Administrative Appeals Office (AAO) on appeal.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 his TPS application on June 1, 1999. The Texas Service Center (TSC) director approved that application on February 3, 2000.

The CSC director withdrew the applicant's TPS approval on April 9, 2007, after determining that the applicant was ineligible for TPS, pursuant to section 244(c)(2)(B)(i) of the Act, based on his criminal convictions.

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 the following offenses:

- (1) On August 2, 2005, the applicant was arrested in Houston, Texas, and charged with "Driving While Lic Invalid;" and,
- (2) On October 11, 2005, the applicant was arrested by the Houston, Texas Sheriff's Office and charged with "Driving While Lic Invalid Enh."

On November 9, 2006, the director sent a notice of intent to withdraw the applicant's TPS based on the applicant's past arrests as detailed above, and requested the applicant to provide the final court dispositions for these arrests.

The applicant responded to the notice and submitted the final court dispositions for the above arrests. Based on the record of proceedings, the director determined that the applicant had been convicted of two misdemeanor offenses; and therefore, withdrew the applicant's TPS on April 9, 2007.

On appeal, the applicant states that his license was suspended in 2005, and that the suspension was withdrawn on March 9, 2006. The applicant also provides copies of a receipt dated November 7, 2005, and a clearance letter from the Texas Department of Public Safety withdrawing the suspension.

A review of the final court dispositions reveal that the applicant pled guilty to "DWLS," Driving While License Suspended (Invalid), a misdemeanor, reference to his arrest in No. 1 above. The applicant was also sentenced to 6 days in jail and ordered to pay a fine of \$320. In addition, the applicant pled guilty to DWLS, Driving While License Suspended, a misdemeanor, with regards to his arrest detailed in No. 2 above. The applicant was sentenced to 72 hours in jail and ordered to pay a fine of \$471. Therefore, according to the record, the applicant had been convicted of two misdemeanor offenses.

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

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.