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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
[WAC 99 101 50853]

Office: VERMONT SERVICE CENTER

Date AUG 04 2001

IN RE: Applicant: [REDACTED]

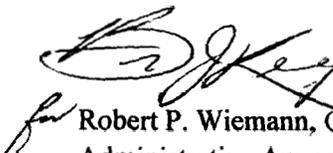
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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.


for 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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 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 during the initial registration period on January 15, 1999, under receipt number WAC 99 101 50853. The Director, California Service Center, approved that application on May 8, 2000.

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 at the time such status was granted, or at any time thereafter becomes ineligible for such status. 8.C.F.R. § 244.14(a)(1).

The record reveals the following:

On June 29, 2000, in the Superior Court of California, County of Los Angeles, Case No. [REDACTED] (arrest date June 2, 2000), the applicant was indicted for Grand Theft: Property Over \$400, 487(a) PC, a felony. On September 14, 2000, the applicant entered a plea of *nolo* contendere to the crime of Grand Theft, and the court found the applicant guilty of the crime. He was placed on probation for a period of 3 years under the condition that he serve 90 days in the county jail, ordered to pay \$200 in fines, and to make restitution to the victim.

The director withdrew the applicant's temporary protected status because the applicant had been convicted of a felony in the United States.

On appeal, counsel for the applicant states that the applicant will submit additional evidence showing that the applicant does not have a felony conviction and qualifies for TPS. To date, there has been no further correspondence from the applicant or counsel. Therefore, the record must be considered complete.

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.