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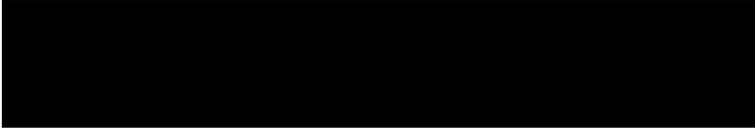
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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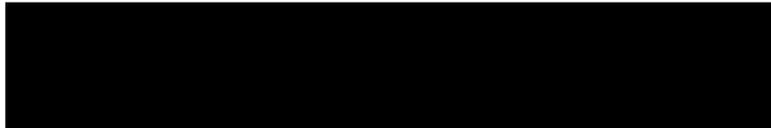
[WAC 02 070 53579]

OFFICE: VERMONT SERVICE CENTER

DATE: FEB 05 2008

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and 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 director withdrew the applicant's TPS because he had been convicted of two misdemeanors in the United States.

On appeal, the applicant acknowledges his convictions and asserts that he has successfully completed all the court's requirements. The applicant requests that his application be reconsidered as he has a family to support.

The director may withdraw the status of an alien granted TPS 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. Section 244(c)(3)(A) of the Act and 8 C.F.R. § 244.14(a)(1).

An alien shall not be eligible for temporary protected status 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. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

"Misdemeanor" means a crime committed in the United States, either (1) punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or (2) a crime treated as a misdemeanor under the term "felony" of this section. For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor. 8 C.F.R. § 244.1.

In response to a Notice of Intent to Withdraw TPS dated April 5, 2007, the applicant submitted the requested court dispositions, which revealed the following misdemeanor offenses in the state of California:

1. On October 18, 2002, the applicant was arrested for driving under the influence, a violation of section 23152(a) VC, and driving with .08 percent or more alcohol in the blood, a violation of section 23152(b) VC. On February 10, 2003, the complaint was amended to add a violation of section 23103 VC, reckless driving. On February 10, 2003, the applicant pled *nolo contendere* to reckless driving. The applicant was ordered to pay a fine and placed on probation for three years. The remaining charges were dismissed. Case no. [REDACTED]
2. On May 16, 2005, the applicant was arrested for inflicting corporal injury upon a spouse, a violation of section 273.5(a) PC. On August 25, 2005, the applicant pled *nolo contendere* to the charge. The applicant was sentenced to serve 60 days in jail, ordered to pay a fine and enrolled in a counseling program and placed on probation for three years. Case no. [REDACTED]

On appeal, the applicant acknowledges his convictions and asserts that he has successfully completed all the court's requirements.

However, neither the acknowledgement of past mistakes nor the applicant's satisfactory completion of all of his court obligations eliminates his convictions.

The applicant is ineligible for TPS due to two misdemeanor convictions, detailed above. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). Therefore, in accordance with 8 C.F.R. § 244.14(a)(1), the prior approval of the applicant's TPS is hereby withdrawn.

It is noted that the record reflects that a removal hearing was held on December 1, 1992, and the applicant was ordered deported from the United States.

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 from the withdrawal of the TPS application is dismissed.