



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

ML

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: JAN 09 2008  
[WAC 01 162 57232]  
[WAC 05 211 85658]

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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, California Service Center, and the case is now before the Administrative Appeals Office on appeal.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 was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on April 5, 2002, under Citizenship and Immigration Services (CIS) receipt number WAC 01 162 57232.

The director subsequently withdrew the applicant's TPS on February 7, 2006, when it was determined that the applicant had been convicted of two misdemeanors; namely: (1) driving under the influence, Florida Statute (FS) 316.193, on June 23, 2003; and (2) driving with suspended license, FS 322.03(a), on June 11, 2004. On the same date, February 27, 2006, the director denied the re-registration application, filed on April 29, 2005, under receipt number WAC 05 211 85658, because the applicant's initial TPS application had been withdrawn and the applicant was not eligible to apply for re-registration for TPS. A remand of this case to the director based on premature denial of the re-registration application would not overcome the director's decision as the record shows that the applicant had, indeed, furnished final court dispositions of his arrests establishing that he was convicted of two misdemeanor offenses committed in the United States.

The director may withdraw the status of an alien granted TPS at any time if it is found 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).

On appeal, the applicant expresses remorse for his past behavior and states that he has not had any other problem; therefore, he requests that his TPS and EAD not be revoked.

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).

The applicant is ineligible for TPS due to his two misdemeanor convictions [Nos. (1) and (2) above]. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). The applicant's statements made on appeal have been considered; however, there is no waiver available for this ground of ineligibility. Therefore, the application must be denied for this reason.

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.