

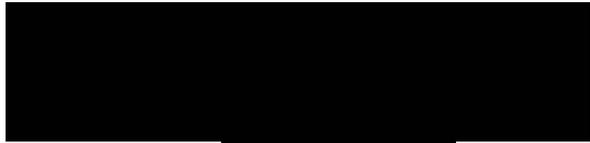
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED]
[WAC 05 09075514]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 27 2011

INRE: 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:



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.


for Robert P. Wiemann, Ief
Administrative Appeals Office

DISCUSSION: The applicant's **temporary** protected status was withdrawn by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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 May 19, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 172 50362. The Director, Texas Service Center, approved the application

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on December 29, 2004, and indicated that he was re-registering for TPS.

The director found that the applicant failed to submit requested court documentation relating to his criminal record. The director, therefore, withdrew the applicant's temporary protected status and denied the re-registration application.

On appeal, counsel for the applicant states that the applicant received the request for the final court dispositions late because of Hurricane Katrina. The applicant also submits a letter stating that he is providing copies of the requested arrests.

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 failed without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.14.

On September 21, 2005, the director notified the applicant of the intent to withdraw his temporary protected status because the record reflected that he had a criminal record. The applicant was granted 30 days to submit the final court dispositions for his arrests. The applicant failed to respond. The director determined the applicant had failed to submit the requested evidence and, therefore, withdrew the applicant's temporary protected status.

Counsel for the applicant, on appeal, states that the applicant did not receive the September 21, 2005 request for the court documentation. The applicant also submits a letter stating that he was providing certified copies of the arrests requested by the director. However, there is nothing in the record to indicate that the requested court documents showing the final dispositions of these arrests were submitted by the applicant. Therefore, he has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14.

The record of proceeding reflects that on April 26, 1995, an immigration judge ordered the applicant removed from the United States to Honduras. A Warrant of Removal/Deportation, Form 1-205, was issued on August 1, 1995. It does not appear that the warrant was executed. However, it presents the possibility that the applicant was deported and returned to the United States, without permission **contrary** to section 212(a)(9) of the Immigration and Nationality Act. Consequently, the applicant may not have maintained continuous residence or physical presence in the United States during the **qualifying** period pursuant to 8 C.F.R. §§ 244.2(b) and (c).

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.