



U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: OCT 03 2008
[SRC 00 245 52221]

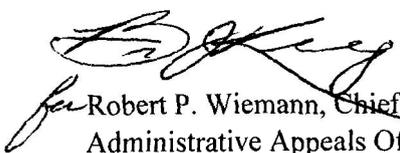
IN RE: Applicant: [REDACTED]

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 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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 claims to be 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 July 5, 2000, under Citizenship and Immigration Services (CIS) receipt number SRC 00 245 52221. The Director, Texas Service Center, approved that application on May 7, 2004.

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 offenses:

- (1) On April 13, 2004, the Houston, Texas Police Department arrested the applicant for "Theft > \$50 <\$500".
- (2) On July 4, 2006, the Midland, Texas Dept. of Pub Safety arrested the applicant for "Driving with License Invalid", and "Poss Marij < 2OZ." .

On October 10, 2007, the director requested the applicant to submit final court dispositions for the above charges. The director withdrew temporary protected status because the applicant failed to provide the requested final court dispositions for these arrests.

On appeal, the applicant provides court dispositions. Those documents indicate the applicant was convicted of the April 13, 2004 theft charge on May 12, 2004 (Case Number [REDACTED]). In addition, the applicant submitted court dispositions indicating that he was also arrested on December 18, 2006 for "Failure to Display a Valid Texas Drivers License", "Running a Stop Sign – Intersection", and "Failure to Stop While Facing a Red Light." The applicant was convicted of these charges on December 27, 2007, all misdemeanors (Case Number [REDACTED]). The applicant has failed to provide the final court disposition for the July 4, 2006 arrest. Therefore, the applicant is ineligible for temporary protected status because of his misdemeanor convictions, 8 C.F.R. § 244.4(a), and his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

Furthermore, it is noted that although the applicant has submitted a copy of a birth certificate with English translation, it was not accompanied by photo identification. The applicant has also failed to provide a passport or any national identity document from the alien's country of origin bearing photo and/or fingerprint to establish his nationality and identity.

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.