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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]
[WAC 05 096 72937]

Office: CALIFORNIA SERVICE CENTER

DEC 06 2006

Date:

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California 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 applicant filed her initial TPS application with Citizenship and Immigration Services (CIS) during the initial registration period under receipt number SRC 99 168 52539. The District Director, Miami, Florida, denied the application on March 22, 2005, because the applicant failed to appear for her TPS interview or request another opportunity to be interviewed. The district director also noted that the applicant had not established continuous residence in the United States since December 28, 1998, and continuous physical presence in the United States since January 5, 1999. The applicant did not file an appeal or a motion to reopen the case.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 4, 2005, and indicated that she was re-registering for TPS or renewing her temporary treatment benefits.

The director denied the application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration or renewal of her temporary treatment benefits.

On appeal, the applicant has not specifically identified any erroneous conclusion of law or statement of fact. Nor has she provided any additional evidence to overcome the basis for denial of the application.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

It is noted that the record reveals the following offenses:

1. On September 14, 2003, the applicant was arrested in Metro Dade County, Florida, and charged with "driving while license suspended with knowledge";
2. On February 13, 2004, the applicant was arrested in Hialeah Gardens, Florida, and charged with "disorderly intoxication."

These offenses must be addressed in any further proceeding before Citizenship and Immigration Services (CIS).

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.