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U.S. Citizenship
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FILE:



Office: VERMONT SERVICE CENTER

Date: SEP 10 2007

[SRC 99 207 53728]

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


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: Approval of the applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center (VSC), and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a citizen and national 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 his initial TPS application on June 25, 1999. The Texas Service Center (TSC) director approved that application on June 15, 2000.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 28, 2004, and indicated that he was re-registering for TPS.

The director withdrew the applicant's TPS status on January 30, 2007, after determining that the applicant failed to provide the final court dispositions with regards to his past arrests.

Sec. 244.14 Withdrawal of Temporary Protected Status.

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following: (Amended 11/16/98; 63 FR 63593)

(1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status; (emphasis added)

Further, an alien shall not be eligible for temporary protected status under this section 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. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The record of proceedings contains a Federal Bureau of Investigation (FBI) report reflecting the following offenses:

- (1) On November 27, 2003, the applicant was arrested by the Orlando Police Department, and charged with "Loitering;"
- (2) On January 28, 2004, the applicant was arrested by the Seminole County Sheriff's Office, and charged with "Failure to Appear;" and,
- (3) On July 19, 2005, the applicant was arrested by the Cassleberry, Florida Police Department, and charged with "Fraud," and "Forgery Of - Alter License Plate Validation Sticker."

On August 22, 2005, the director of the CSC sent a notice of intent to withdraw the applicant's TPS status based on the applicant's past arrests as detailed in Nos. 1 and 2 above, and requested the applicant to provide

the final court dispositions for these arrests. The applicant responded to the request and submitted the court disposition relating to the arrest in No. 1 above.

On November 1, 2006, the director of the VSC sent a notice of intent to withdraw the applicant's TPS status based on the applicant's past arrests as detailed in Nos. 1, 2 and 3 above, and requested the applicant to provide the final court dispositions for these arrests. The VSC director determined that the applicant did not respond to the November 1, 2006, request and therefore, withdrew the applicant's TPS status on January 30, 2007.

On appeal, the applicant provides copies of the court disposition relating to his arrest in No. 1 above; however, the applicant did not provide any evidence regarding the final court dispositions of his arrests as detailed in No. 2 and No. 3 above. The applicant is ineligible for temporary protected status because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

Therefore, the VSC director's decision to withdraw the applicant's TPS status will be sustained, and the applicant remains ineligible for TPS.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.