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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: FEB 21 2008

[SRC 03 159 53629]
[WAC 05 060 74784]

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.

for 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 rejected.

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 his initial TPS application on June 12, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 203 55186. The Director, Texas Service Center, denied that application on September 24, 2002, because the applicant failed to establish his eligibility to file for late initial registration. On October 8, 2002, the applicant filed an appeal from the denial decision. The Director (now Chief), AAO, dismissed that appeal on March 19, 2003. It is noted that the Director, Texas Service Center, denied a Form I-765 Employment Authorization application on June 24, 2003 because the TPS application on which it was based had been denied on September 24, 2002. On July 16, 2003, the applicant filed an appeal of this decision.

The director informed the applicant that he could appeal the June 24, 2003 denial. However, there is no appeal of the director's decision in the present matter. 8 C.F.R. § 274a.13(c). If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office which rendered the initial decision). Since there is no appeal of the decision in the present matter, the appeal will be rejected.

It is noted that a Federal Bureau of Investigation (FBI) fingerprint results report indicates:

1. On July 26, 2000 the Metro-Dade, Florida Police Department arrested the applicant for "Prostitution."
2. On March 21, 2003, the Miami Police Department arrested the applicant for "Assault or Battery Ordinance Viol."

The FBI results report indicates that the "Assault" charge, described in No. 2 above, was nolle prossed. However, the final dispositions for these arrests are not included in the record, nor were the final court dispositions requested. It is also noted that the applicant has failed to declare on his applications that he has ever been arrested. CIS must address these arrests and any convictions in any future proceedings.

It is further noted that the applicant was ordered deported to Honduras on June 8, 1994. In addition, it is noted that an unadjudicated Form 212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, remains in the record.

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 rejected.