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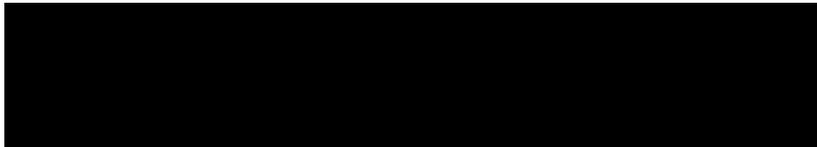
[EAC 03 257 55054]

OFFICE: VERMONT SERVICE CENTER

DATE: **DEC 27 2005**

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant had failed to submit requested police clearance certificates for each jurisdiction where she had resided within the past three years.

On appeal, the applicant submits a statement and additional evidence.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an alien who is a national of a foreign state designated by the Attorney General is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under § 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f)
 - (1) Registers for TPS during the initial registration period announced by public notice in the *Federal Register*, or
 - (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
 - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparole; or
 - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

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 director noted that the applicant had twice been fingerprinted; however, the Federal Bureau of Investigation rejected both sets of fingerprints as unclassifiable. Therefore, in a notice of intent to deny dated September 8, 2004, the applicant was requested to submit local police clearances for each jurisdiction where she had resided for six months or more within the past three years. She was advised, "if the police clearance was researched by name only, you must supply the law enforcement agency with all aliases you have used, including maiden name, if applicable." The applicant failed to respond; therefore, the director denied the application on November 4, 2004.

On appeal, the applicant submits:

- (1) A certified letter dated November 23, 2004, from Chelsea Police Department, Massachusetts, indicating that their computerized records indicate no involvement with the department for [REDACTED] and that this document pertains only to the City of Chelsea, Massachusetts, and should not be interpreted that this individual does not have a criminal record in another jurisdiction.
- (2) A letter dated November 23, 2004, from City of Lynn Police Department, Massachusetts, indicating that no local criminal records appear in the files of the Lynn Police Department, for the City of Lynn only, regarding [REDACTED]

Although the director advised the applicant to supply the law enforcement agency with all aliases she has used, including maiden name, the police letters, detailed in Nos. 1 and 2 above, indicate that the search was made only for the name [REDACTED]. Neither the applicant's full name nor her maiden name was included in the police research. It is also noted that the applicant's name in No. 2 above was misspelled, and that this letter was not certified.

The applicant is ineligible for TPS based on her failure to comply with the director's request, and to provide information necessary for the adjudication of her application. 8 C.F.R. § 244.9(a). Accordingly, the director's decision to deny the TPS application will be affirmed.

Beyond the decision of the director, it is noted that the applicant filed her TPS application on September 13, 2003, after the initial registration period for El Salvadorans (from March 9, 2001 to September 9, 2002) had closed. The applicant submitted with her initial TPS application a copy of the Employment Authorization Card issued to [REDACTED] on September 10, 2002, as evidence that she is the spouse of a TPS registrant. However, the applicant has failed to submit her marriage certificate as evidence that she was in fact married to [REDACTED] the time of the initial registration period. The applicant has failed to establish that she met the qualification of a spouse of an alien currently eligible to be a TPS registrant described in 8 C.F.R. § 244.2(f)(2)(iv). Therefore, the application will also be denied for this reason.

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.