



U.S. Citizenship
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Services

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FILE:

[SRC 03 259 54420]

Office: TEXAS SERVICE CENTER

Date: JUN 27 2006

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, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is stated to be a native and citizen of El Salvador who is seeking employment authorization as an applicant who has a pending or approved application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that on April 10, 2001, during the initial registration period, the applicant filed a Form I-821, Application for Temporary Protected Status, under Citizenship and Immigration (CIS) receipt number SRC 01 173 55731. The Texas Service Center Director denied that application on October 29, 2003, because the applicant failed to respond to requests for additional evidence relating to his criminal record. The applicant had been requested to submit court dispositions for any charges against him

The Federal Bureau of Investigation (FBI) fingerprint results report indicates the following:

On May 15, 2001, applicant was arrested by the Jersey Village Police Department in Jersey Village, Texas and charged with "POSS CS PG 1 < 1G." The report shows he was convicted of that charge on May 17, 2001 in the 182nd District Court of Houston, Texas.

It is noted that 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). "Felony" and "misdemeanor" are defined at 8 C.F.R. § 244.1. The applicant has failed to provide any evidence revealing the final court disposition of his arrests detailed above. The applicant has also failed to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

In addition, the record contains only a photocopy of a birth certificate, with English translation. The applicant failed to submit photo identification or a national identity document from his country of origin bearing a photograph and/or fingerprint. The birth certificate alone is insufficient to establish the applicant's identity and nationality under the provisions of 8 C.F.R. § 244.9(a)(1).

On January 14, 2004, the director denied the applicant's request for employment authorization because his application for TPS had been denied. In her notice, the director stated "There is no appeal to this decision."

An appeal filed by a person not entitled to file it must be rejected as improperly filed. In such a case, any filing fee that has been accepted will not be refunded. 8 C.F.R. § 103.3(a)(1).

ORDER: The appeal is rejected.