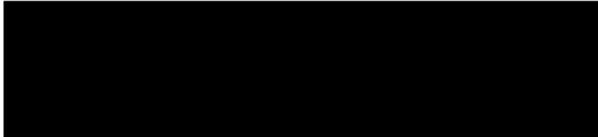




U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy



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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: AUG 13 2007  
[WAC 01 173 57488]

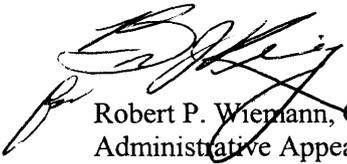
IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: 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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, California Service Center, and the case is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on May 20, 2003. The director subsequently withdrew the applicant's TPS on February 12, 2007, when it was determined that the applicant had been convicted of two or more misdemeanors committed in the United States.

The director may withdraw the status of an alien granted TPS at any time if it is found that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. Section 244(c)(3)(A) of the Act and 8 C.F.R. § 244.14(a)(1).

On appeal, the applicant states, "Adjunt [sic] Copy Superior Court," and resubmitted copies of court documents relating to his convictions previously furnished and contained in the record. While the applicant indicated that he is sending a brief and/or evidence within 30 days, to date, the file contains no further response from the applicant.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

*Summary dismissal.* 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.

The applicant has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Nor did the applicant address or submit any evidence, on appeal, to establish eligibility for TPS and to overcome the director's findings. Accordingly, the appeal will be summarily dismissed.

Based on court documents contained in the record, the applicant was convicted of the following three misdemeanor offenses, and his convictions continue to preclude a favorable finding of eligibility for TPS. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a):

- (1) On June 20, 2002, in the Superior Court, County of Stanislaus, California, [REDACTED] the applicant was convicted of driving with .08 percent blood alcohol level or more, 23152(b) VC, a misdemeanor.
- (2) On June 28, 2005, in the Superior Court, County of Stanislaus, California, [REDACTED], the applicant was convicted of driving under the influence of alcohol/drugs, 23152(a) VC, a misdemeanor.
- (3) On October 18, 2005, in the Superior Court, County of Stanislaus, California, [REDACTED], the applicant was convicted of inflicting corporal injury on spouse/cohabitant, 273.5 PC, a misdemeanor.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The appeal is summarily dismissed.