

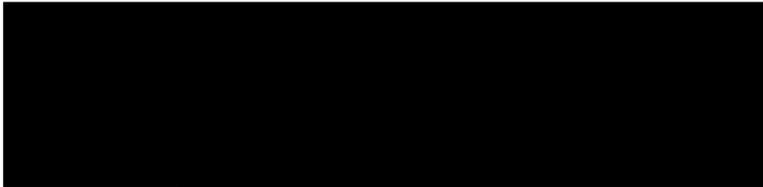
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U.S. Citizenship  
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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE:  
[WAC 06 180 70038]

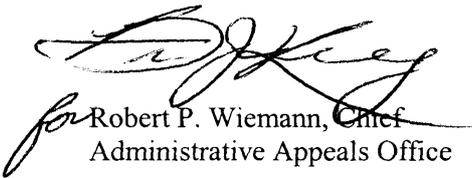
IN RE: Applicant: [REDACTED]

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.

  
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 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 record indicates that the applicant filed a TPS application during the initial registration period on June 27, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 245 53637. The director denied that application on December 19, 2003, because the applicant had been convicted of two misdemeanors, namely:

- (1) Inflict corporal injury to a spouse, 273.5(a) PC, on August 3, 1998, in the Municipal Court of Inglewood Judicial District, County of Los Angeles, California, under Case No. [REDACTED] (arrest date July 16, 1998).
- (2) Driving with suspended license, 14601.5(a) VC, on July 9, 2003, in the Municipal Court of Airport Branch Judicial District, County of Los Angeles, California, under Case No. [REDACTED] (arrest date September 12, 2001).

The applicant was advised that he could appeal the director's decision by filing a completed Form I-290B, Notice of Appeal to the Administrative Appeals Unit, within 30 days of the director's decision; however, the record does not contain evidence that the applicant filed a Form I-290B.

Although not addressed by the director, it is noted that the applicant was also arrested and/or convicted of the following offenses:

- (3) On February 19, 1997, in the Municipal Court of L.A.- Metro Branch Judicial District, County of Los Angeles, California, Case No. [REDACTED] (arrest date February 18, 1997), the applicant was indicted for Count 1, driving under the influence of alcohol/drug, 23152(a) VC, a misdemeanor; Count 2, driving with .08 percent blood alcohol level or more, 23152(b) VC, a misdemeanor; and Count 3, unlicensed driver, 12500(a) VC, a misdemeanor. On February 19, 1997, the applicant was convicted of Count 2. The sentence imposed on the applicant relating to his conviction as to Count 2, and the outcome of Counts 1 and 3 are not known as page 2 of the court document is missing. It is noted that the applicant subsequently violated the terms of his probation and on September 16, 1997, the court terminated the applicant's probation and he was committed, "jail time consecutive to any other time."
- (4) On July 1, 1997, in the Municipal Court of L.A.- Metro Branch Judicial District, County of Los Angeles, California, Case No. [REDACTED] (arrest date June 20, 1997), the applicant was indicted for Count 1, driving under the influence of alcohol/drug, 23152(a) VC, a misdemeanor; Count 2, driving with .08 percent blood alcohol level or more, 23152(b) VC, a misdemeanor; Count 3, driving with suspended-revoked license, 14601.5(a) VC, a misdemeanor; Count 4, driving with suspended license, 14601.1(a) VC, a misdemeanor; and Count 5, unlicensed driver, 12500(a) VC, a misdemeanor. On September 16, 1997, the applicant was convicted of Count 2. He was placed on probation for a period of 60 months under the condition that he serve 100 days in the county jail, and he was ordered to pay \$1,154 in fines and costs. Counts 1, 3, 4, and 5 were dismissed.

- (5) On January 21, 2000, in the Municipal Court of Inglewood Courthouse Judicial District, County of Los Angeles, California, Case No. [REDACTED] (arrest date January 20 2000), the applicant was indicted for Count 1, driving with suspended license, 14601.2(a) VC, a misdemeanor; Count 2, driving with suspended license, 14601.1(a) VC, a misdemeanor; Count 3, unlicensed driver, 12500(a) VC, a misdemeanor; Count 4, registration required, 4000(a) VC, an infraction; and Count 5, no proof of car insurance, 16028(a) VC, an infraction. On January 21, 2000, the applicant was convicted of Count 1. The court denied probation and ordered that the applicant serve 30 days in the county jail, and pay \$1,451 in fines and costs. Counts 2, 3, 4, and 5 were dismissed.
- (6) On August 2, 2001, in the Superior Court of California, County of Los Angeles, Case No. [REDACTED] (arrest date July 6, 2001), the applicant was indicted for Count 1, public intoxication: drugs/alcohol; and Count 2, street closed signs posted, 10-12 IMC, a misdemeanor. On September 12, 2001, the applicant was convicted of Count 2. The court denied probation and ordered that the applicant serve 2 days in the county jail, and pay restitution in the amount of \$100.
- (7) The Federal Bureau of Investigation fingerprint results report indicates that on June 27, 2003, in Norwalk, California, the applicant (name used: [REDACTED]) was arrested for Count 1, driving under the influence of alcohol/drug with priors; and Count 2, driving with .08 percent blood alcohol level or more with priors. The final court disposition of this arrest is not included in the record of proceeding.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 29, 2006, and indicated that he was re-registering for TPS. The director denied the re-registration application on June 8, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

An alien shall not be eligible for temporary protected status 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. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The applicant was convicted of at least six misdemeanors 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). There is no waiver available for this ground of ineligibility. Therefore, the application must be denied for this reason.

The record shows that on June 26, 2001, the Board of Immigration Appeals administratively closed removal proceedings after noting that the applicant may be eligible to apply for TPS.

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.