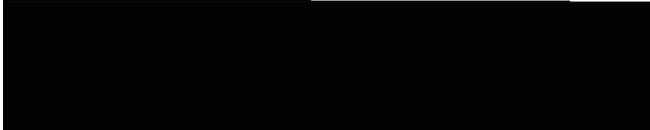




U.S. Citizenship  
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Office: VERMONT SERVICE CENTER

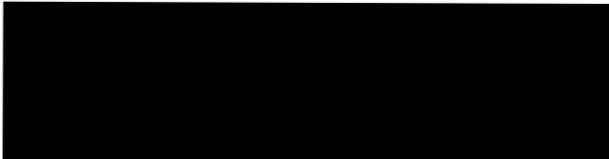
Date: **JAN 04 2007**

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:



**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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status on March 12, 2002. The director subsequently withdrew the applicant's Temporary Protected Status on March 21, 2005, when it was determined that the applicant was inadmissible under the Immigration and Nationality Act, Section 212(a)(6)(C)(i) due to his inability to provide an Application for Waiver of Grounds of Excludability (Form I-601) as requested.

The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time if it is determined 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. 8 C.F.R. § 244.14(a)(1). If a decision to withdraw Temporary Protected status is entered by the AAO, the AAO shall notify the alien of the decision and the right to a de novo determination of eligibility for Temporary Protected Status in removal proceedings, if the alien is then removable. 8 C.F.R. § 244.14(c).

The record reveals that on March 12, 2002, the director approved the application for Temporary Protected Status.

In a letter dated May 7, 2004, the director requested that the applicant submit evidence that he was eligible for a Waiver of Ground of Excludability (Form I-601), because the record of proceedings showed that on August 23, 1989, the applicant was found inadmissible under the Immigration and Nationality Act, Section 212(a)(6)(C)(i), (Fraud/Misrepresentation). The applicant failed to respond to the director's request.

The director concluded that the applicant had failed to establish that he was eligible for a waiver. Therefore, the director withdrew the applicant's TPS on March 21, 2005.

On appeal, the applicant reasserts his claim of eligibility for TPS.

The applicant has not submitted a waiver or any explanation refuting the August 23, 1989 inadmissibility determination. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status will be affirmed.

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.