



U.S. Citizenship
and Immigration
Services

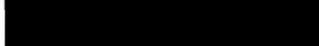
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prevent clearly unwarranted
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FILE:



[WAC 05152 75586]

Office: CALIFORNIA SERVICE CENTER

Date:

MAY 14 2007

IN RE:

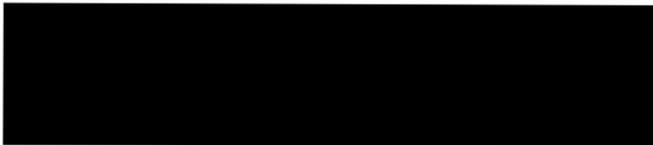
Applicant:



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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be a 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 reveals that the applicant filed a TPS application during the initial registration period on May 10, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 214 53344. The Director, Texas Service Center, approved that application on March 7, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 1, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On December 4, 2004, the applicant was arrested by the Fort Smith, Arkansas Police Department for "Batter – 2nd Degree".
- (2) On February 20, 2005, the applicant was arrested by the Melissa, Arkansas Police Department for "Poss Marij."

The director withdrew temporary protected status because the applicant had failed to submit requested court documentation relating to his criminal record.

On appeal, counsel for the applicant states that the applicant has no record with the Fort Smith Police Department. The applicant also submits a copy of a document from the Fort Smith Police records section indicating that there are no records for the applicant in the Fort Smith, Arkansas Police Department. However, the applicant was arrested under the name of [REDACTED] not [REDACTED] as provided to the Fort Smith, Arkansas Police Department, and the address listed on the form is not the applicant's address. Therefore, the Fort Smith Police may not have had the correct address and complete identification information for the applicant to conduct a thorough search. Further, although the director stated that both arrests were by the Fort Smith Police Department, one of the applicant's arrests was actually by the Melissa, Arkansas Police Department. Therefore, the applicant has not proven that no record of his arrests exists, and has not overcome the basis for the director's 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 will be dismissed.