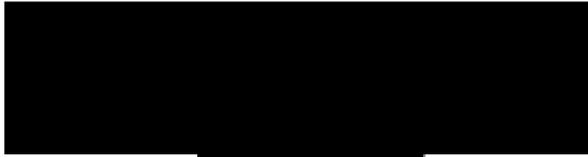




U.S. Citizenship
and Immigration
Services

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY



M.

SEP 17 200

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 125 77898]

Date:

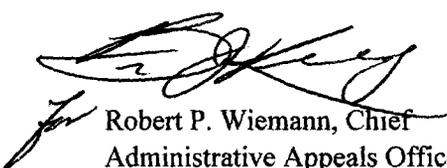
IN RE: Applicant: [REDACTED]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals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 is 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 April 9, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 174 55863. The Director, Texas Service Center, approved that application on July 10, 2002.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 2, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On December 27, 2002, the Broward, Florida Police Department arrested the applicant for "DUI Alcohol or Drugs 1st Offense."
- (2) On November 14, 2004, the Broward, Florida Police Department arrested the applicant for "DUI Alcohol or Drugs 2nd Offense."

On April 27, 2006, and again on August 18, 2006, the applicant was requested to submit the final court disposition for each of the charges detailed above. The applicant failed to respond to the notice.

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

On appeal, the applicant submits the requested court documents, which indicate:

1. On February 4, 2003, the applicant was convicted of "DUI."
2. On September 16, 2005, the applicant was convicted of "DUI."

The applicant is ineligible for temporary protected status because of his two misdemeanor convictions. 8 C.F.R. § 244.4(a).

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish his qualifying continuous residence since February 13, 2001 and continuous physical presence from March 9, 2001 to the filing date of the TPS application. Therefore, the application must be denied for these reasons as well.

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.