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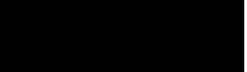


**U.S. Citizenship  
and Immigration  
Services**

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FILE:



[SRC 01 174 55598]

Office: VERMONT SERVICE CENTER

Date: **APR 02 2008**

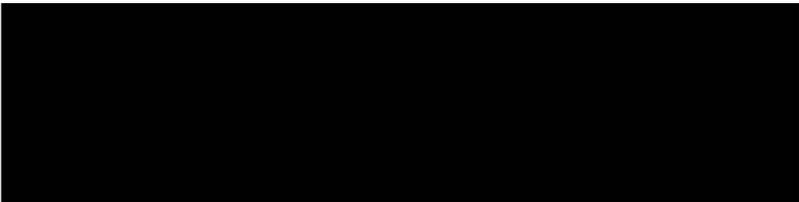
INRE:

Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act (the 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center (VSC), withdrew the approval of the initial application and denied a subsequent application for re-registration which is currently before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be a native and citizen of El Salvador who seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the re-registration application because the applicant failed to provide the requested final court disposition for an arrest on February 15, 2006. The director withdrew the approval of the initial application because the applicant failed to successfully re-register for TPS.

On appeal, counsel for the applicant asserts that the applicant did not receive the director's request. Counsel asserts that, if the applicant had received the request, he would have responded to it. However, counsel does not submit the final court disposition for that arrest.

The director may withdraw the status of an alien granted TPS 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). The director may also withdraw the status of an alien granted TPS under section 244 of the Act, at any time, if it is determined that the alien failed, without good cause, to successfully re-register for TPS. 8 C.F.R. § 244.14(a)(3). The director determined that the applicant abandoned his re-registration application by failing to submit the requested court records pertaining to his criminal history and withdrew the applicant's TPS pursuant to 8 C.F.R. § 244.14(a)(3), finding that the applicant had failed to successfully re-register. However, the director should have withdrawn TPS pursuant to 8 C.F.R. § 244.14(a)(1) because the applicant, by failing to provide requested court records necessary for the adjudication of his application, had become ineligible for TPS.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state is eligible for TPS only if such alien establishes that he or she:

- (a) Is a national of a state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f)
  - (1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the FEDERAL REGISTER, or
  - (2) During any subsequent extension of such designation if at the time of the initial registration period:

- (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
- (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
- (iii) The applicant is a parolee or has a pending request for reparole; or
- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

An applicant must provide all requested material necessary for the adjudication of his claim. 8 C.F.R. § 244.9(a) states, in relevant part:

- (a) Documentation. Applicants shall submit all documentation as required in the instructions or requested by the Service. The Service may require proof of unsuccessful efforts to obtain documents claimed to be unavailable. If any required document is unavailable, an affidavit or other credible evidence may be submitted.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (CIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

On April 30, 2007, the director sent the applicant a notice of intent to deny (NOID) re-registration for TPS and notified the applicant that his criminal history check revealed that he was arrested in Louisiana on February 15, 2006, and charged with operating a vehicle while intoxicated and careless operation. The director requested that the applicant provide final court dispositions for this and all other arrests. The applicant did not respond to the NOID.

The record reflects that, on February 15, 2006, the Louisiana State Police, in Lafayette, Louisiana, arrested the applicant. The applicant was charged with:

- 1) Operating a vehicle while intoxicated; and,
- 2) Careless operation.

The director determined that the applicant had failed to submit evidence necessary for the proper adjudication of the application and denied the application on August 27, 2007.

On appeal, counsel for the applicant asserts that the applicant did not receive the director's request. Counsel asserts that, if the applicant had received the request, he would have responded to it. However, counsel does not submit the final court disposition for that arrest.

The applicant has failed to provide any evidence revealing the final court disposition of his February 15, 2006, arrest detailed above. The applicant is ineligible for TPS because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a). The applicant failed to successfully re-register for TPS. 8 C.F.R. 244.14(a)(3). Accordingly, the director's decision to withdraw TPS will be affirmed.

An alien applying for TPS 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. Here, the applicant has not met this burden.

**ORDER:** The appeal is dismissed.