

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



FILE:



[EAC 07 200 50980]

OFFICE: VERMONT SERVICE CENTER

DATE:

APR 28 20

INRE:

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:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

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

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The approval of the applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Vermont Service Center (Vsq, and the case is now before the Administrative Appeals Office (AAO) on appeal.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

The applicant is a stated to be a citizen of Liberia who was granted TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.c. § 1254.

The record reveals that the applicant filed this TPS application on February 28, 2005, with the Chicago District Office, under Citizenship and Immigration Services (CIS) receipt number EAC 07 200 50980. That application was approved on August 28, 2005.

The VSC director withdrew the applicant's Temporary Protected Status on August 24, 2007, because the applicant failed to provide the requested evidence regarding her past arrests.

Sec. 244.14 Withdrawal of Temporary Protected Status.

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following: (Amended 11116/98; 63 FR 63593)

(1) 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. § 244.1 defines "felony" and "misdemeanor:"

Felony means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except: When the offense is defined by the State as a misdemeanor and the sentence actually imposed is one year or less regardless of the term such alien actually served. Under this exception for purposes of section 244 of the Act, the crime shall be treated as a misdemeanor.

Misdemeanor means a crime committed in the United States, either

- (1) Punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or
- (2) A crime treated as a misdemeanor under the term "felony" of this section.

For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor.
8 C.F.R. § 244.1.

The record of proceedings contains a Federal Bureau of Investigation (FBI) fingerprint results report revealing that the applicant was arrested for the following offenses:

- 1) On February 27, 2001, the applicant was arrested for "Retail Theft" by the Skokie, Illinois Police Department;

- 2) On June 26, 2003, the applicant was arrested for "Violation Bail Bond" by the Mount Prospect, Illinois Police Department; and,
- 3) On May 31, 2005, the applicant was arrested for "Misuse of Credit Card" by the Northbrook, Illinois Police Department.

On May 11, 2007, the director requested the applicant to submit the final court dispositions regarding her past arrests as noted above. The director determined that the applicant did not respond to the request and therefore, withdrew the applicant's TPS on August 24, 2007.

On appeal, the applicant admits that she has two convictions and that the charge regarding the bond violation was dismissed. The applicant also provides copies of the final court dispositions from the Circuit Court of Cook County, Illinois.

According to the court documentation, the applicant was found guilty of "Retail Theft," a misdemeanor, on June 26, 2001 (Case Number [REDACTED]) and "Theft/Unauthd Control less than \$300," a misdemeanor, on May 25, 2006 (Case Number [REDACTED]).

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

The applicant is ineligible for TPS due to her record of two misdemeanor convictions as detailed above. 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.