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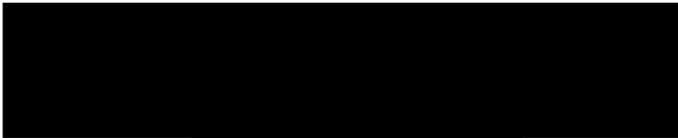
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



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

M,

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FILE: [REDACTED]  
[SRC 99 143 50411]

Office: VERMONT SERVICE CENTER

Date: **FEB 19 2008**

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.

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

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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office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

The applicant is a citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director determined that the applicant failed to submit requested court documentation relating to his criminal record. The director, therefore, withdrew the applicant's temporary protected status.

The record reveals that the applicant filed a TPS application during the initial registration period on March 10, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 143 50411. The Director, Nebraska Service Center, approved that application on March 2, 2000.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 7, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On February 15, 1999, the applicant was arrested for "Expired License Plates/Registration", "Fail to Display Driver's License", and "No M.V.I. No Motor Vehicle Inspection Certificate."
- (2) On December 13, 2002, the Mission, Texas Police Department arrested the applicant for "Resist Arrest Search or Transp".
- (3) On October 7, 2005, the Edinburg, Texas Police Department arrested the applicant for "Driving While Intoxicated", and "No Proof of Car Insurance." On December 19, 1990, the applicant entered a plea of Nolo Contende for (1) above and was found guilty of a misdemeanor. The applicant's sentence of 180 days was suspended and he was fined \$594.00 and ordered to perform 100 hours of community service. The remaining charges were dismissed.

The director withdrew temporary protected status because he determined the applicant had failed to submit requested court documentation relating to his criminal record. However, the applicant actually provided the requested document. That evidence will be discussed here.

On appeal, the applicant claims that he did not receive the request for additional information because of a change in his mailing address by the U.S. Postal Service. The applicant also provides documents from the U.S. Postal Service supporting this claim. However, the U.S. Postal Service documents were issued on May 22, 2007, subsequent to the issuance of the request for additional information on June 22, 2005. Furthermore, the director's request was sent to the applicant's address of record and the applicant responded to the request. Therefore, the applicant has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14, and the director's decision to deny the application for temporary protected status will be affirmed.

According to the document provided by the applicant:

1. The applicant was convicted of "Expired License Plates/Registration," and "Fail to Display Driver License" on June 11, 2002.
2. The applicant was convicted of "Assault by Threat" on December 16, 2002.
3. The applicant was convicted of "No M.V.I. Certificate," "Failure to Appear," and "Public Intoxication" on October 6, 2003.

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

The burden of proof is upon the applicant to establish that he or she meets the above requirements. The applicant's statement, on appeal, does not overcome the adverse evidence in the record. Consequently, the director's decision to deny the application for 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 will be dismissed.