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U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **JUL 22 2008**
[SRC 99 132 51918]

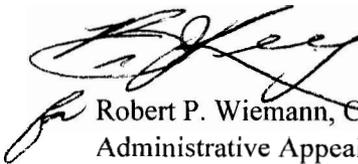
IN RE: Applicant: [REDACTED]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center.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

The applicant is a native and 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 record reveals that the applicant filed a TPS application during the initial registration period on April 27, 2001, under receipt number SRC 01 197 56252. The Director, Texas Service Center, approved that application on February 26, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on July 11, 2007, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On July 18, 1992, the applicant was arrested by the Miami, Florida Police Department for "Obstruct Police", "Aggravate Battery", and "Larceny", all misdemeanors. The applicant pled nolo contendere to these charges on August 10, 1992.
- (2) On March 9, 1998, the applicant was arrested by the Leon County, Florida Sheriff's Department for "DUI", a misdemeanor. The applicant was convicted of this charge on April 8, 1998.

The director withdrew temporary protected status because the applicant had been convicted of more than two misdemeanors in the United States.

On appeal, the applicant requests an opportunity to continue providing for his children. According to the applicant, the last time he made a mistake was in 1998. The applicant's statements made on appeal have been considered. Nevertheless, there is no waiver available, even for humanitarian reasons, of the requirements stated above.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for 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 is dismissed.