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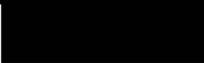
U.S. Citizenship
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Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: NOV 25 2008

[SRC 01 158 58177]

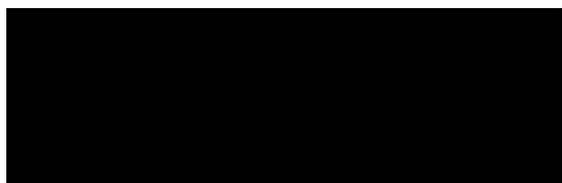
IN RE:

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:



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.

John F. Grissom, Acting 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office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 stated to be 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 March 29, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 158 58177. The Director, Texas Service Center, approved that application on April 1, 2002.

The director may withdraw the status of an alien granted Temporary Protected Status 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 record reveals the following offenses:

- (1) On December 11, 2003, the applicant was arrested by the Houston, Texas Police Department for "DWI."
- (2) On March 23, 2006, the applicant was arrested by the Houston, Texas Police Department for "Driving While License Invalid Enh."
- (3) On August 5, 2006, the applicant was arrested by the Houston, Texas Department of Public Safety Traff LE R-2 D-1 for "Driving While Intoxicated", and "Driving While License Invalid Enh."

Pursuant to a letter dated January 30, 2008, the applicant was requested to submit the final court disposition for each of the charges detailed above. The applicant failed to respond.

The director determined that the applicant had failed to submit evidence necessary for the proper adjudication of the application and withdrew TPS on June 26, 2008.

On appeal, counsel for the applicant requests 30 days in which to investigate the validity of the convictions. Counsel also states that the applicant would seek post-conviction relief. To date, there has been no further correspondence from the applicant or counsel. Therefore, the record must be considered complete. Consequently, the applicant has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14.

Beyond the director's decision, 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.

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.