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U.S. Citizenship  
and Immigration  
Services

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FILE:

[REDACTED]  
[WAC 01 236 52374]

Office: VERMONT SERVICE CENTER

Date: FEB 02 2009

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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 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 July 29, 2001, under receipt number SRC 01 197 56252. The Director, California Service Center denied the application on October 18, 2004. The case was reopened on April 20, 2004 and the Director, California Service Center, approved that application on December 29, 2004.

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 March 30, 2002, the applicant was charged by the CAPDLA, California Valley Jail with "Local Ordinance Violation".
- (2) On June 5, 2005, the applicant was arrested by the Los Angeles, California Police Department for "Inf Corp Inj, Spouse/Cohaab" "Assault W Deadly Weapon/Instr" and "Exhbt Dead Weap Oth than Firea" and "FTA After Written Promise".

Pursuant to a letter dated September 14, 2006, the applicant was requested to submit the final court disposition for each of the charges detailed above. In response, the applicant submitted a copy of the final disposition of the June 5, 2005 arrest which indicated that he had pled *nolo contendere* and was convicted of "Inf Corp Inj, Spouse/Cohab". The other charges were dismissed. The applicant failed to provide the final court disposition for the March 30, 2002 arrest.

The director determined that the applicant had failed to submit evidence necessary for the proper adjudication of the application and withdrew the applicant's temporary protected status on June 27, 2007.

On appeal, the applicant states that he is submitting the requested documents again and has never tried to hide anything from immigration authorities.

However, the applicant again failed to provide the final court documentation for the March 30, 2002 arrest. The applicant is ineligible for temporary protected status because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

Furthermore, 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.