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U.S. Citizenship
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FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: FEB 10 2009

[SRC 01 149 61754]

IN RE:

Applicant:

[REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

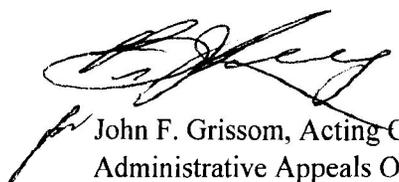
ON BEHALF OF APPLICANT:

[REDACTED]

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).


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

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 April 27, 2001, under receipt number SRC 01 197 56252. The Director, Texas Service Center, approved that application on March 30, 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 June 9, 2001, the applicant was arrested by the Arlington, Texas Police Department for "Public Intoxication."
- (2) On September 17, 2002, the applicant was arrested by the Dallas, Texas Police Department for "Possession Controlled Substance."
- (3) On May 25, 2003, the applicant was arrested by the Dallas, Texas Police Department for "Careless/Prohibited Driving."

Pursuant to a letter dated January 9, 2008, the applicant was requested to submit the final court disposition for each of the charges detailed above. In response, the applicant submitted arrest records from the Dallas County Police Department, not the requested final court dispositions

The director withdrew temporary protected status because the applicant had failed to submit evidence necessary for the proper adjudication of the application.

On appeal, counsel for the applicant submits the requested court documents and contends that the applicant had not been convicted of any crimes. According to the court documents, the disposition of the June 9, 2001 arrest was that no charges were filed, and, for the remaining two arrests, the charges were no-billed or dismissed. Consequently, the applicant has not been convicted of any misdemeanors.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by United States Citizenship and Immigration Services (USCIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of

eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b). The applicant has met this burden. *The record does not reflect any grounds that would bar the applicant from receiving TPS.* There are no other known grounds of ineligibility; consequently, the director's decision will be withdrawn and the application will be approved.

ORDER: The appeal is sustained.