

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

M1

FILE:

Office: VERMONT SERVICE CENTER

Date:  
JAN 30 2009

[EAC 06 242 80215]

IN RE: Applicant:

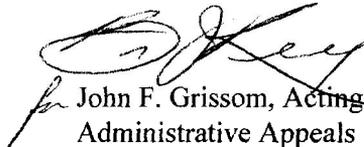
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: 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).

  
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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office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 claims to be 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 record reveals that the applicant filed a TPS application during the initial registration period on August 23, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 262 54766. The Director, Texas Service Center, approved that application on July 3, 2000.

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 applicant filed the current Form I-821, Application for Temporary Protected Status, on May 30, 2006, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On March 16, 2003, the applicant was arrested by the Louisiana State Police Department for "Operating a Vehicle While Intoxicated" and "Careless Operation".
- (2) On July 2, 2005, the applicant was arrested by the Florida Highway Patrol for "Driving Under the Influence Third".

Pursuant to a letter dated December 22, 2006, the applicant was requested to submit the final court disposition for each of the charges detailed above. The director found that the applicant failed to respond to the notice.

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 May 8, 2007.

On appeal, the applicant states that he did submit the requested court documents and provides a copy of a U.S. Postal Service domestic Return Receipt in support of this claim. The return receipt does indicate something was sent to CIS. The applicant also submits copies of the requested final court dispositions on appeal. However, there is nothing in the record to indicate that the requested court documents were provided in response to the notice. The applicant also provides the final court dispositions which indicate the applicant was convicted of the charges listed below.

- (1) On October 10, 2002, the applicant pled guilty and was convicted in the 22<sup>nd</sup> Judicial District Court, St. Tammany, Parish, Louisiana, of "Operating

a Motor Vehicle While Under the Influence of Alcoholic Beverages”, a misdemeanor.

- (2) On June 11, 2003, the applicant was convicted in the 22<sup>nd</sup> Judicial District Court, St. Tammany, Parish, Louisiana, of “Driving While Intoxicated”, a misdemeanor.

The applicant also submits a copy of document from the Clerk of the Circuit Court, Hillsborough County, Florida which indicates that the applicant was convicted of “Reckless Driving”, a misdemeanor. However, the applicant failed to provide the certified final court disposition for this charge as requested.

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

Furthermore, it is noted that the applicant has provided insufficient evidence to establish his qualifying continuous residence since December 30, 1998 and continuous physical presence from January 5, 1999 to the filing date of the TPS application. In addition, it is noted that although the applicant has submitted a copy of a birth certificate with English translation, it was not accompanied by photo identification. The applicant has also failed to provide a passport or any national identity document from the alien’s country of origin bearing photo and/or fingerprint to establish his nationality and identity. 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.