

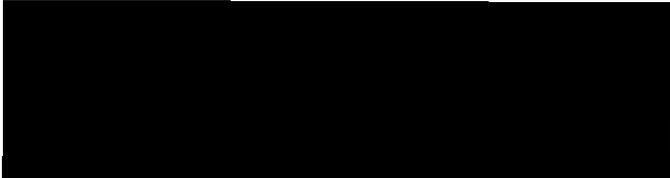
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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Services

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FILE:

[LIN 01 221 50155]

Office: VERMONT SERVICE CENTER

Date:

JUN 24 2009

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office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 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 9, 2001, under receipt number LIN 01 221 50155. The Director, Texas Service Center, approved that application on April 6, 2002. The director withdrew the applicant's TPS on May 14, 2008.

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 a Form I-821, Application for Temporary Protected Status, on September 14, 2006, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On April 14, 2000, the applicant was arrested by the Silverthorne, Colorado Police Department for Harassment." And "Domestic Violence."
- (2) On April 15, 2000, the applicant was arrested by the Breckinridge, Colorado County Sheriff for 2 counts of "Possess Forged – See Mis Instrument."
- (3) On April 6, 2006, the applicant was arrested by the Breckinridge, Colorado Police Department for "Larceny."

Pursuant to a letter dated October 12, 2005, the applicant was requested to submit the final court disposition for each of the charges detailed above. In response, the applicant submitted the requested court documents. According to those documents, on May 3, 2000, the "Domestic Violence" charge was dismissed. On November 7, 2000, the applicant pled guilty to and was found guilty of "Harassment," a misdemeanor. On September 2, 2000, both April 5, 2000 charges were dismissed. On May 23, 2006, the applicant pled guilty and was found guilty of "Theft," a misdemeanor.

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 states that he was wrongly accused, but that he pled guilty and did not fight the case because he wanted to move on with his life and could not afford an attorney. Therefore, he has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14.

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. It is also noted that although the applicant has submitted a copy of a birth certificate with English translation, it was not accompanied by 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.