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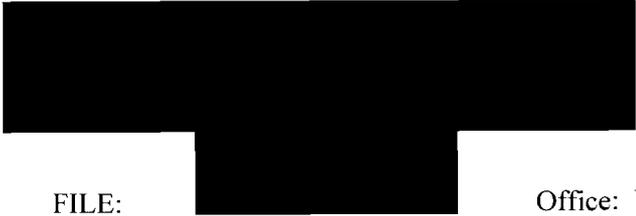
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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Services

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FILE:

[EAC 09 246 70009]

Office: VERMONT SERVICE CENTER

Date:

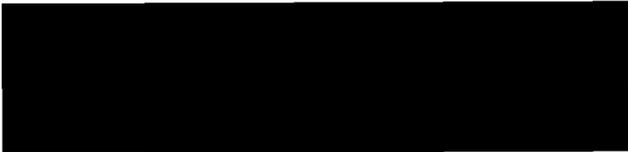
IN RE:

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.

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 or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for Temporary Protected Status was denied by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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 director denied the application because the applicant: 1) failed to establish he was eligible for late registration; and 2) had been convicted of at least two misdemeanors in the United States.

On appeal, counsel asserted that the director erred in denying the applicant's TPS "where he has raised compelling family unit, public interest, and humanitarian reasons that his case should be accepted for late filing." Counsel asserted that the applicant should have been afforded a chance to apply to waive any grounds of inadmissibility. Counsel asserted that the director also erred in determining that the applicant had been convicted of two or more misdemeanors. Counsel indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. However, more than 90 days later, no additional correspondence has been presented by counsel or the applicant.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Counsel has not provided any evidence, on appeal, to establish the applicant's eligibility for TPS and to overcome the director's findings. Accordingly, the appeal will be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

It is noted that the record contains a Form I-205, Warrant of Deportation, issued on October 27, 1988, based on a final order of removal *in absentia* issued by an immigration judge on October 27, 1988. The applicant filed a Form I-246, Application for Stay of Deportation or Removal, on December 3, 2008, which was granted by the Field Office Director, Boston, Massachusetts until July 26, 2009.

ORDER: The appeal is dismissed.