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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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[REDACTED]

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: **SEP 24 2010**

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:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the California Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the California Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant claims to be a native and citizen of Haiti 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 had failed to submit all of the requested court documents relating to his criminal record.

On appeal, the applicant acknowledges his past mistakes and requests that his application be reconsidered and approved. The applicant asserts that most of the cases are traffic violations and submits additional court documents.

An alien shall not be eligible for TPS under this section if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

"Felony" means a crime committed in the United States punishable by imprisonment for a term of more than one year, regardless of the term actually served, if any. There is an exception when the offense is defined by the state as a misdemeanor and the sentence actually imposed is one year or less, regardless of the term actually served. Under this exception, for purposes of 8 C.F.R. § 244 of the Act, the crime shall be treated as a misdemeanor. 8 C.F.R. § 244.1.

"Misdemeanor" means a crime committed in the United States, either (1) punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or (2) a crime treated as a misdemeanor under the term "felony" of this section. For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor. 8 C.F.R. § 244.1.

The Federal Bureau of Investigation report dated April 26, 2010, reveals the following offenses in the state of New York:

- On October 28, 1992, the applicant was arrested by the Sheriff's Office in New City for "CPSP 5<sup>th</sup>".
- On November 9, 1993, the applicant was arrested by the Spring Valley Village Police Department for 2<sup>nd</sup> degree burglary and 3<sup>rd</sup> degree assault.
- On March 18, 1998, the applicant was arrested by the Sheriff's Office in New City for forgery.
- On June 14, 1998, the applicant was arrested by the Spring Valley Village Police Department for criminal possession of a weapon, operating a motor vehicle while intoxicated and driving while intoxicated.

- On June 30, 2005, the applicant was received in the New City jail for “forgery 2: deed/will/contract,” a Class D felony.

The record also reveals the following offenses in the state of Florida:

- On June 25, 1996, the applicant was arrested by the Sheriff’s Office in Highlands County for resisting an officer without violence.
- On May 21, 2005, the applicant was arrested by the West Palm Beach Police Department for cruelty toward child and driving while license is suspended.
- On September 7, 2009, the applicant was arrested by the Riviera Beach Police Department for failure to appear.

On May 17, 2010, the director issued a notice requesting the applicant to submit certified court dispositions for *all* arrests.

The applicant, in response, submitted:

1. A Certificate of Disposition from the Spring Valley Village Criminal Court, which indicated that the offenses the applicant violated on November 9, 1993, were dismissed on June 14, 1994.
2. A Certificate of Disposition from the Spring Valley Village Criminal Court, which indicated that the criminal possession of a weapon offense was dismissed on June 29, 1998.
3. A Certificate of Conviction from the Spring Valley Village Criminal Court, which indicated that on September 18, 1998, the applicant was convicted of violating New York Penal Law section 1192.3, operating a motor vehicle while under the influence of alcohol, a misdemeanor. The applicant was ordered to pay a \$500.00 fine. The remaining offenses were dismissed.

The director determined that the applicant had failed to submit all of the requested court dispositions and denied the application on June 12, 2010.

On appeal, the applicant submits:

- A Fugitive Release Form from the Sheriff’s Office in West Palm Beach, Florida in . . . . . The Rockland County Sheriff’s Office of New City, New York took custody of the applicant from the Palm Beach County Sheriff on June 30, 2005.
- A letter dated August 9, 2010 from the Sheriff’s Office of Palm Beach County, which lists the applicant’s arrests on May 21, 2005 for driving under suspension and child abuse; on June 20 2005, for . . . . . and on September 7, 2009, for failure to appear while on bail.

- Court documentation from the Palm Beach County Criminal Court indicating “NO FILE FOR” the offenses of child abuse and driving while license is canceled, suspended or revoked.
- Court documentation indicating that on December 14, 2009, the applicant was convicted of operating a motor vehicle while license is suspended, a violation of Florida statute 322.34, a misdemeanor of the second degree. Case no. [REDACTED]
- Court documentation from the Tenth Judicial Court of the State of Florida, which indicated that a Blanket No Bill/Nolle Prosequi was entered on December 20, 1999, for resisting an officer without violence and driving a motor vehicle while license is suspended committed on June 25, 1996. [REDACTED]

The applicant has failed to provide any evidence reflecting the final court dispositions of his arrests on October 28, 1992, March 18, 1998, June 30, 2005, and September 7, 2009. The applicant is ineligible for TPS because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a). Consequently, the director’s decision to deny the application for this reason will be affirmed.

An alien applying for TPS 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.