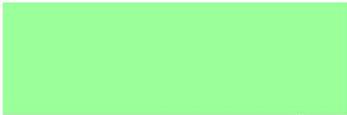




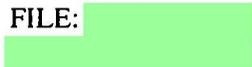
U.S. Citizenship  
and Immigration  
Services

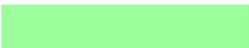
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DATE: **APR 18 2013**

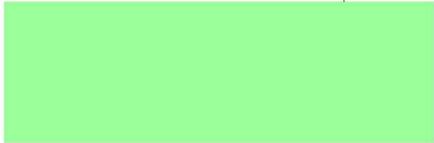
Office: VERMONT SERVICE CENTER

FILE: 

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:

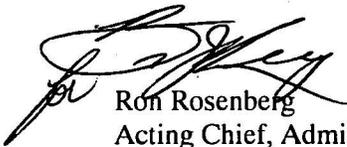


INSTRUCTIONS:

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 Vermont 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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,



Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director withdrew the applicant's TPS because he had failed to submit requested court documentation relating to his criminal record.

On appeal, counsel submits the requested court dispositions.

The director may withdraw the status of an alien granted TPS 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).

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).

"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 term 'conviction' means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, adjudication of guilt has been withheld, where - (i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and (ii) the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed. Section 101(a)(48)(A) of the Act.

The Federal Bureau of Investigation report dated January 19, 2012 reflects the applicant's criminal history in the state of Florida as follows:

1. On December 29, 2010, the applicant was arrested by the Florida Highway Patrol for driving while license is suspended, and operating a motor vehicle without a driver's license.
2. On April 7, 2011, the applicant was arrested by the Miami-Dade Police Department for driving while license is suspended with knowledge and expired driver's license over four months.

On February 23, 2012, a notice was issued which provided the applicant 33 days to submit certified judgment and conviction documents from the courts for all arrests. The applicant, however, failed to respond to the notice. Accordingly, on June 14, 2012, the director withdrew the applicant's TPS.

On appeal, counsel submits:

- A complaint/arrest affidavit which indicates that on May 20, 2010, the applicant was charged with driving while license is suspended with knowledge, a violation of Florida Statute 322.34(2).
- Court documentation in Case no. [REDACTED] from the Dade County Circuit and County Courts, which indicates that on July 30, 2010, a *nolle prosequi* was entered for the charge of driving while license is suspended with knowledge.
- A complaint/arrest affidavit which indicates that on April 7, 2011, the applicant was charged with driving while license is suspended with knowledge, a violation of Florida Statute 322.34(2), and expired driver's license over six months, a violation of Florida Statute section 322.034(5).
- Court documentation in Case no. [REDACTED] from the Dade County Circuit and County Courts, which indicates that the charge of violating Florida Statute 322.034(5) was dismissed on May 4, 2011.
- Court documentation in Case no. [REDACTED], which indicates that on August 9, 2012, the applicant was found guilty of violating Florida Statute section 322.03(1), driving without a license, a misdemeanor. The applicant was ordered to pay a fine, perform fifty hours of community service and was placed on probation for six months.
- A complaint/arrest affidavit which indicates that on December 29, 2010, the applicant was charged with driving while license is suspended with knowledge, a violation of Florida Statute 322.34(2A), and no valid driver's license, a violation of Florida Statute 322.03(1).
- Court documentation in Case no. [REDACTED] from the County Court of Broward County, which indicates that on February 9, 2011, the applicant pled guilty to violating Florida Statutes 322.34(2) and 322.03(1), both misdemeanors. Adjudication of guilt was withheld and the applicant was ordered to pay court costs for violating Florida Statute 322.34(2). The court costs were waived for the remaining charge.

For immigration purposes, the applicant has been convicted of the misdemeanor offenses within the meaning of section 101(a)(48)(A) of the Act. The applicant is ineligible for TPS as he has been convicted of at least two misdemeanors. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). Consequently, the director's decision to withdraw TPS will be affirmed.

(b)(6)

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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.