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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

DATE: JUL 2 3 2013

Office: VERMONT SERVICE CENTER

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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center.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 El Salvador 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 she had failed to submit requested court documentation relating to her criminal record. On appeal, the applicant submits a statement in the Spanish language.

The applicant's statement will not be considered as it was not accompanied by the required English translation. 8 C.F.R. 103.2(b)(3).[1]

On appeal, the applicant submits certified court documents relating to her criminal record from the Clerk of the [redacted] Superior Court of North Carolina. These documents will be considered on appeal.

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.

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[1] Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

The Federal Bureau of Investigation report reflects that the applicant was arrested on or about August 25, 2010 by the for driving while license revoked.

On May 24, 2012, the applicant was requested to submit certified judgment and conviction documents from the courts for all arrests. The applicant was also requested to submit all court documents relating to the revocation of her driver's license. The applicant was advised that a response must be received by June 26, 2012.

On August 27, 2012, the director withdrew TPS as it was determined that the applicant had failed to respond to the notice of May 24, 2012. It is noted that a review of the record reflects that a response to the notice of May 24, 2012, was received at the Vermont Service Center on June 22, 2012. The applicant's response will be considered on appeal

In response to the notice of May 24, 2012, the applicant submitted photocopies of uncertified printouts of her criminal history from Superior Court of North Carolina, which reflect several infraction and misdemeanor offenses. The applicant also submitted a photocopied printout of her driving record from the North Carolina Department of Motor Vehicle Division, which indicate that her driver's license had been suspended on (failure to pay fine), (failure to appear) and (failure to pay fine).

The certified court documents submitted on appeal reveal the following:

- On or about the applicant was charged with misdemeanor larceny, a Class 1 misdemeanor. On a prayer for judgment was entered and the applicant was ordered to pay a fine and court cost.

- On or about , the applicant was charged with no operator's license, a Class 2 misdemeanor. The applicant waived her right to appear for an arraignment/jury trial and paid a fine of $193.

The applicant is ineligible for TPS due to her two misdemeanor convictions. 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.

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.