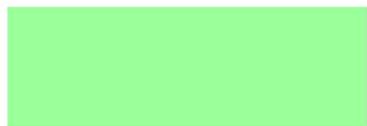


(b)(6)

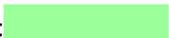
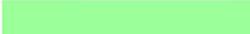
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

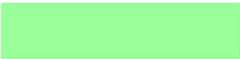


U.S. Citizenship
and Immigration
Services



DATE: JUN 28 2013 Office: CALIFORNIA 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. § 1254a

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

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

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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and a subsequent appeal was rejected as untimely by the Administrative Appeals Office (AAO). The applicant filed a motion to reopen, which was inadvertently granted by the director. The director re-denied the application and it is currently before the AAO 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 been convicted of two or more misdemeanors in the United States.

On appeal, the applicant acknowledges her misdemeanor convictions and indicates that "they all has been payed." The applicant apologizes for her previous wrongdoings and requests that her application be reconsidered.

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 record reveals the applicant's criminal history from the County Court of [REDACTED] County, Florida:

1. On February 28, 2006, the applicant pled *nolo contendere* to violating Florida Statute, 812.014(a), theft to deprive, a misdemeanor of the second degree. Adjudication of guilt was withheld and the applicant was ordered to pay a fine. Case no. [REDACTED]
2. On February 10, 2009, the applicant pled no contest to violating Florida Statute 322.34(2a), driving while license suspended, a misdemeanor of the second degree.

- Adjudication of guilt was withheld and the applicant was ordered to pay a fine and court cost. Case no. [REDACTED]
3. On July 30, 2009, the applicant pled no contest to violating Florida Statute 322.34(2a), driving while license suspended, a misdemeanor of the second degree. Adjudication of guilt was withheld and the applicant was ordered to pay court cost and was placed on probation for six months. Case no. [REDACTED]
 4. On February 25, 2010, the applicant pled *nolo contendere* to violating Florida Statute 812.014(3a), petit theft, a misdemeanor of the second degree. Adjudication of guilt was withheld and the applicant was ordered to pay a fine. Case no. [REDACTED]

The applicant's assertion that she has complied with the courts requirements is irrelevant in this proceeding. Mere compliance with a court order neither alleviates the applicant of any convictions that had occurred nor dismisses any convictions.

The applicant is ineligible for TPS due to her misdemeanor convictions. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). The applicant's statements on appeal have been considered. However, there is no waiver available, even for humanitarian reasons, of the requirements stated above. 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.