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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: OCT 06 2014

Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254a

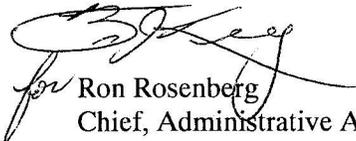
ON BEHALF OF APPLICANT:
[REDACTED]

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,


for Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center. The applicant has appealed the re-registration application¹ and the matter is now before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is a 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. On March 3, 2014, the director denied the re-registration application because the applicant had failed to submit requested court disposition relating to his criminal record in El Salvador.

On appeal, the applicant argues that the director's decision was arbitrary and capricious, that it was based on incorrect information, and that he had met his burden of proof. The applicant indicates at Part 2 on the appeal form that a brief and/or additional evidence would be submitted to the AAO within 30 days.² However, more than six months later, no additional correspondence has been presented by the applicant.

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. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

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 burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by U.S. Citizenship and Immigration Services. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

¹ The applicant listed the receipt number of the current Form I-821 on the appeal form.

² Every appeal submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions being hereby incorporated into the particular section of the regulations in this chapter requiring its submission. 8 C.F.R. § 103.2(a)(1). The Form I-290B, Notice of Appeal or Motion, instructs the applicant to submit a brief and additional evidence to the AAO within 30 days of filing the appeal.

The record indicates that on or about October 24, 2006, information was received from the San Salvador Legal Attaché and provided to the Federal Bureau of Investigation, which indicated that the applicant had been arrested for kidnapping.

On October 9, 2013, the director issued a notice requesting the applicant to submit certified judgment and conviction documents from the courts for all arrests including his arrests in El Salvador for kidnapping and in [REDACTED] New York on January 25, 2013 for resisting arrest. In response, the applicant provided court documentation relating to his arrest on January 25, 2013, which was dismissed on October 24, 2013. The applicant, however, failed to submit the final disposition for his arrest in El Salvador for kidnapping.

The director determined that the applicant had failed to submit evidence necessary for the proper adjudication of the application and denied the application. On appeal, the applicant submits a letter in the Spanish language with English translation from [REDACTED] a lawyer and notary from [REDACTED] El Salvador, who indicates, in pertinent part:

I am working in all the necessary steps to obtain from the courts and of the [REDACTED] the records of Criminal and Police for [the applicant], of whom I am the General Judicial Attorney, to convincingly demonstrate with official documents that he was never charged in the country of El Salvador the crime of kidnapping that has been confusedly attributed to him in dates before October 24, 2006 by U.S. authorities.

Mr. [REDACTED] requests that an extension until April 30, 2014 be granted to submit all official documentation. To date, however, no additional correspondence has been presented by the applicant regarding his criminal record in El Salvador. Therefore, the record must be considered complete

The applicant has failed to provide any evidence revealing the final court disposition of his arrest in El Salvador. 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 re-registration 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.