

(b)(6)



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF R-A-V-R-

DATE: MAY 5, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

APPLICATION: FORM I-821, APPLICATION FOR TEMPORARY PROTECTED STATUS

The Applicant, a native and citizen of Honduras, seeks review of a decision withdrawing the Applicant's Temporary Protected Status. *See* Immigration and Nationality Act (the Act) section 244, 8 U.S.C. § 1254a. Temporary Protected Status (TPS) provides lawful status and protection from removal for foreign nationals, of specifically designated countries, who register during designated periods, satisfy country-specific continuous residence and physical presence requirements, are admissible to the United States, are not firmly resettled in another country, and are not subject to certain criminal- and security-related bars.

The Acting Director, Vermont Service Center, withdrew the Applicant's TPS. The Director concluded the Applicant had been convicted of two misdemeanors in the United States and was found to be inadmissible under section 212(a)(2)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(I), for having been convicted of crimes involving moral turpitude. We upheld the Director's decision and dismissed the appeal.

The matter is now before us on a motion to reconsider.<sup>1</sup> In the motion, the Applicant re-submits the brief and court disposition for each conviction which were submitted on appeal. The Applicant also submits IRS Form 1040, U.S. Individual Income Tax Return, for 2014 in support of a fee waiver request. The Applicant requests that her TPS be reinstated.

We will deny the motion.

#### I. LAW

A motion to reconsider must "state the reason for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or [U.S. Citizenship and Immigration Services (USCIS)] policy ... [and] must, when filed, also establish

---

<sup>1</sup> The motion was accompanied by a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, signed July 20, 2015, by an attorney located in [REDACTED], California. The website for the State Bar of California indicates that, as of October 29, 2015, the attorney is not eligible to practice law. Therefore, the attorney is no longer eligible to represent the Applicant in these proceedings. We will consider the Applicant as being self-represented.

(b)(6)

*Matter of R-A-V-R-*

that the decision was incorrect based on the evidence of record at the time of the initial decision.” 8 C.F.R. § 103.5(a)(3).

## II. ANALYSIS

The Applicant entered a plea of *nolo contendere* to violating California Penal Code section 484(a), petty theft on [REDACTED] 2012, and [REDACTED] 2009. Pursuant to 8 C.F.R. § 244.14(a)(1), the Director withdrew the Applicant’s TPS because of her two misdemeanor convictions in the United States, and because the Applicant was found to be inadmissible under section 212(a)(2)(A)(i)(I) of the Act for having been convicted of committing crimes involving moral turpitude. In dismissing the appeal, we determined that the Applicant’s *nolo contendere* pleas resulted in some form of punishment and therefore were convictions within the meaning of section 1010(a)(48)(A) of the Act, and that the petty theft convictions met the definition of a misdemeanor for immigration purposes regardless of the term the Applicant actually served. We also determined that the Applicant remained inadmissible under section 212(a)(2)(A)(i)(I) of the Act for having been convicted of crimes involving moral turpitude.

Except for a different date on her brief, the Applicant, on motion, submits the same brief and court dispositions that accompanied her appeal. As the submission is substantively identical to the one provided on appeal, the Applicant does not provide any reasons for reconsidering that decision on appeal. Nor does the Applicant cite to any precedent decisions. Therefore, the Applicant’s motion does not meet the regulatory requirements of a motion to reconsider. 8 C.F.R. § 103.5(a)(3).

## III. CONCLUSION

An applicant for TPS has the burden of proving that he or she meets the requirements for this benefit and is otherwise eligible under the provisions of section 244 of the Act. The Applicant has not maintained eligibility for TPS, nor does the documentation submitted meet the requirements of a motion to reconsider.

**ORDER:** The motion to reconsider is denied.

Cite as *Matter of R-A-V-R-*, ID# 15836 (AAO May 5, 2016)