Executive Office for Immigration Review, Justice

§ 1244.5

(a) Has been convicted of any felony or two or more misdemeanors, as defined in §1244.1, committed in the United States, or
(b) Is an alien described in section 243(h)(2) of the Act.

§ 1244.3 Applicability of grounds of inadmissibility.

(a) Grounds of inadmissibility not to be applied. Paragraphs (4), (5) (A) and (B), and (7)(A)(i) of section 212(a) of the Act shall not render an alien ineligible for Temporary Protected Status.

(b) Waiver of grounds of inadmissibility. Except as provided in paragraph (c) of this section, the Service may waive any other provision of section 212(a) of the Act in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is in the public interest. If an alien is inadmissible on grounds which may be waived as set forth in this paragraph, he or she shall be advised of the procedures for applying for a waiver of grounds of inadmissibility on Form I–601 (Application for waiver of grounds of inadmissibility).

(c) Grounds of inadmissibility that may not be waived. The Service may not waive the following provisions of section 212(a) of the Act:

(1) Paragraphs (2)(A)(i), (2)(B), and (2)(C) (relating to criminals and drug offenses);
(2) Paragraphs (3)(A), (3)(B), (3)(C), and (3)(D) (relating to national security); or
(3) Paragraph (3)(E) (relating to those who assisted in the Nazi persecution).

§ 1244.4 Ineligible aliens.

An alien is ineligible for Temporary Protected Status if the alien:

(a) Has been convicted of any felony or two or more misdemeanors, as defined in §1244.1, committed in the United States, or
(b) Is an alien described in section 243(h)(2) of the Act.

§ 1244.5 Temporary treatment benefits for eligible aliens.

(a) Prior to the registration period. Prior to the registration period established by the Attorney General, a national of a foreign state designated by the Attorney General shall be afforded temporary treatment benefits upon the filing, after the effective date of such designation, of a completed application for Temporary Protected Status which establishes the alien’s prima facie eligibility for benefits under section 244 of the Act. This application may be filed without fee. Temporary treatment benefits, if granted, shall terminate unless the registration fee is paid or a waiver is sought within the first thirty days of the registration period designated by the Attorney General. If the registration fee is paid or a waiver is sought within such thirty day period, temporary treatment benefits shall continue until terminated under §1244.13. The denial of temporary treatment benefits prior to the registration period designated by the Attorney General shall be without prejudice to the filing of an application for Temporary Protected Status during such registration period.

(b) During the registration period. Upon the filing of an application for Temporary Protected Status, the alien shall be afforded temporary treatment benefits, if the application establishes the alien’s prima facie eligibility for Temporary Protected Status. Such temporary treatment benefits shall continue until terminated under §1244.13.

(c) Denied benefits. There shall be no appeal from the denial of temporary treatment benefits.