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U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: California Service Center Date: 01/27/2014

IN RE: Applicant: [Redacted]

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:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

for 
for Robert P. Wiemann, Director
Administrative Appeals Office

Identifying data deleted to
prevent clearly unwarranted
disclosure of personnel activities

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish that she is a national of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reflects that the applicant is a citizen and national of Mexico. The applicant stated on appeal that she was eligible for TPS because she was the spouse of a citizen of El Salvador who had received TPS. The applicant provided a copy of an Employment Authorization Card with an expiration date of September 9, 2002 for [REDACTED]

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for temporary protected status only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act;....

The applicant asserted on appeal that she was eligible for TPS because her husband had been granted such status. However, as a citizen and national of Mexico, the applicant is ineligible for the provisions of section 244 of the Act. A marriage alone, to a TPS registrant, does not render the applicant eligible for the benefit being sought; she must meet all other requirements.

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.