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U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: AUG 24 2009

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.

Robert P. Wiemann, Director
Administrative Appeals Office

Administrative Appeals Office
U.S. Citizenship and Immigration Services
Department of Homeland Security

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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.

On appeal, the applicant states that she is eligible for TPS because she is the spouse of a citizen of El Salvador who had been granted TPS. The applicant provided a copy of her marriage certificate.

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 TPS 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 asserts on appeal that she is married to a person who is eligible for TPS, and as such, should have the same protected status. However, 8 C.F.R. 244.2(f)(2)(iv), simply allows spouses of TPS beneficiaries to file applications after the initial registration period had closed; this regulation does not relax the requirements for eligibility for TPS. As a citizen and national of Mexico, the applicant is ineligible for the provisions of section 244 of the Act.

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.