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Washington, DC 20536



U.S. Citizenship
and Immigration
Services



MU

FILE: [Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: NOV 02 2004

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

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 Guatemala.

On appeal, the applicant asserts that she is eligible for TPS because she is the spouse of an alien from Honduras who is currently eligible for TPS. The applicant provides a copy of her spouse's Employment Authorization Document with an expiration date of July 5, 2002, as evidence of this assertion.

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 that she is the spouse of an alien authorized for TPS. However, 8 C.F.R. § 244.2(f)(2)(iv), the regulation cited by the applicant in support of her assertion, simply allows spouses of TPS applicants to file applications after the initial registration period has closed; this regulation does not relax the other requirements for eligibility for TPS. As a citizen and national of Guatemala, the applicant is ineligible for the provisions of section 244 of the Act. Therefore, the decision of the director is affirmed and the appeal is dismissed. Further, it is noted that the marriage did not occur until after the initial eligibility period for Hondurans terminated. This too, would render the applicant ineligible under the initial late registration provisions.

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.