



U.S. Citizenship
and Immigration
Services

11/11/11



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:

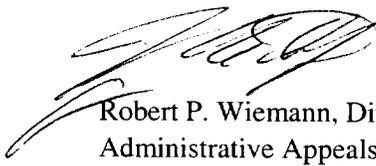
IN RE: Applicant: [REDACTED]

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 record reflects that the applicant is a citizen and national of Mexico who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

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) .

On appeal, the applicant states that she is eligible for TPS because she is the stepchild of a citizen of El Salvador who has been granted TPS. The applicant provided a copy of a Citizenship and Immigration Services (CIS) Fact Sheet, "Extension of Temporary Protected Status for Eligible Salvadorans," along with a Form I-797 receipt indicating that Fredy Leon, the applicant's stepfather, had applied for TPS.

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 record shows that the applicant is a native and citizen of Mexico. The record contains the applicant's Mexican birth certificate indicating that she was born on October 28, 1988, in [REDACTED] Mexico, to [REDACTED] also a Mexican citizen. The record also contains a California marriage license showing that the applicant's mother, [REDACTED] married [REDACTED] a citizen of El Salvador, in Los Angeles, California, on May 18, 2002, and an Employment Authorization Card indicating that [REDACTED] was a TPS applicant as of August 29, 2001.

The applicant asserts on appeal that she is eligible for TPS as the stepchild of an alien who is currently eligible to be a TPS Registrant. However, the regulation at 8 C.F.R. § 244.2(f)(2)(iv), simply allows spouses or children 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. Further, the regulation does not extend eligibility for late registration to a stepchild of an alien currently eligible to be a TPS registrant. As clearly stated in the Fact Sheet submitted by the applicant on appeal, "[t]he Service emphasizes that late initial registration is available only if the applicant meets all of the original eligibility requirements." Those requirements include a requirement that the alien must be a national of a foreign state designated by the Attorney General and eligible for the granting of TPS. The applicant has failed to establish that she is a national of a foreign state designated by the Attorney General and eligible for the granting of TPS. Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

An alien applying for temporary protected status 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.