

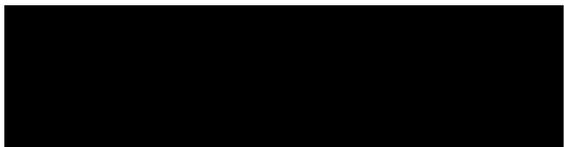
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

MI



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: SEP 24 2011

IN RE:

Applicant:



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 noted that the applicant is a citizen of Mexico and denied the application because the applicant failed to establish that he 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.

On appeal, the applicant asserts that he qualifies for derivative TPS status as the spouse of a Salvadoran citizen who has a pending application for suspension of removal and who has 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 applicant asserts on appeal that he qualifies for “derivative” TPS status because his wife has filed for TPS. He has previously submitted a Form I-821, Application for Temporary Protected Status, that was completed by the applicant’s wife and purportedly signed on May 12, 2001, but no evidence has been submitted to establish that she actually registered for TPS during the initial registration period. The record contains an Employment Authorization Card indicating that [REDACTED] the applicant’s wife, is an applicant for suspension of removal. However, the regulation at 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 statutorily ineligible for the provisions of section 244 of the Act. Further, a marriage alone, to a TPS registrant, would not render the applicant eligible for the benefit being sought; he must meet all other requirements, including the requirement that the alien must be a national of a foreign state designated for TPS by the Attorney General.

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.