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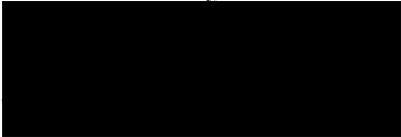
U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **MAR 28 2005**  
[WAC 04 047 52754]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 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.

The record reflects that the applicant is a citizen and national of Mexico. On appeal, the applicant's wife, [REDACTED] states that the applicant is eligible for TPS because he is the spouse of a citizen of El Salvador who has applied for TPS. Ms. [REDACTED] provides a photocopy of her Employment Authorization Card valid from March 24, 2004 to March 9, 2005, indicating that [REDACTED] Citizen and Immigration Services (CIS) Record [REDACTED] is a Salvadoran national 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's wife, Jesus Vasquez, states on appeal that the applicant is her "beneficiary," and she believes the applicant qualifies for TPS because he is her husband. 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, including the requirement that the applicant must be a national of a country that has been designated 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 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.