

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 04 022 51519]

Office: California Service Center

Date: 03 03 2008

IN RE: Applicant:

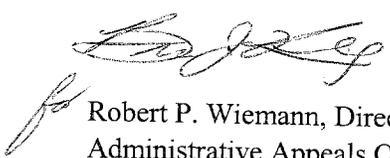


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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, Vermont 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.

On appeal, the applicant states that she received the notice of denial from the director dated April 8, 2004; however, she indicates that she does not know why her application was denied.

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 director's April 8, 2004 decision to deny the application stated that the Service records indicated that the applicant is a citizen of Guatemala; therefore, the director denied the application.

A review of the record reflects that the applicant claimed on her applications for temporary protected status and employment authorization that she is a citizen or national of Guatemala. In addition, the applicant submitted copies of her Guatemalan passport and personal identification card, as well as her Guatemalan birth certificate along with an English translation.

As a citizen and national of Guatemala, the applicant is ineligible for the provisions of section 244 of the Act. Consequently, the director's decision to deny the applicant's Temporary Protected Status will be affirmed.

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.