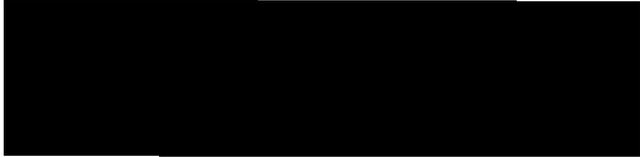




U.S. Citizenship
and Immigration
Services

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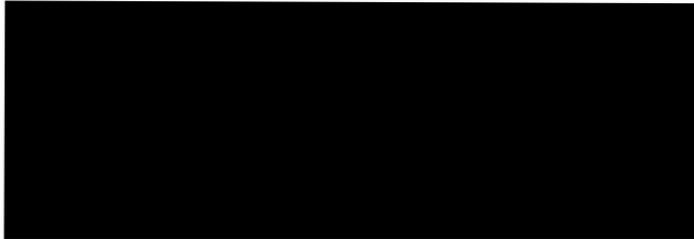
Office: California Service Center

Date: DEC 04 2006

[WAC 05 147 74223]

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:



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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is stated to be a citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed an initial TPS application on May 1, 2001, under CIS receipt number WAC 01 172 50222. The director denied that application on November 9, 2004, because the applicant failed to respond to a September 27, 2004 request to report for fingerprinting. The director, therefore, considered that application abandoned and denied the application. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not indicate that the applicant filed a motion to reopen or reconsider.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 24, 2005, under CIS receipt number WAC 05 147 74233, and indicated that she was re-registering for TPS.

The director denied the re-registration application, on April 19, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant states that she entered the United States on February 27, 2000, and has been in the United States ever since. With the appeal, in an attempt to establish her eligibility for TPS, the applicant submitted various documents, including rent receipts and correspondence in an attempt to establish her continuous residence and her continuous physical presence. However, if the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

It is noted that the applicant's Federal Bureau of Investigation (FBI) results report, completed in connection with her subsequent TPS re-registration application, reflects that the applicant was arrested on July 19, 2000, by the Police Department Los Angeles, and charged with one count of Prostitution. The final court dispositions are not in the record of proceeding. CIS must address these arrests in any future proceedings.

The application will be denied for the above stated reason. 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.