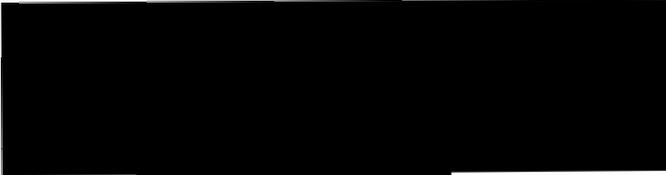


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prevent clearly unwarranted  
invasion of personal privacy**



**U.S. Citizenship  
and Immigration  
Services**



M1

FILE:

Office: CALIFORNIA SERVICE CENTER

Date: **DEC 27 2006**

[WAC 05 223 92558 as it relates to SRC 01 181 66974]

IN RE:

Applicant:

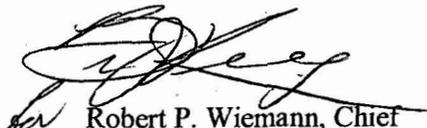


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 California Service Center. Any further inquiry must be made to that office.

  
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 native and 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 applicant filed an initial application for TPS during the initial registration period. The director denied that application on April 16, 2004, after determining that the applicant had abandoned his application by failing to adequately respond to a request for evidence.

The applicant did not appeal the director's decision.

The applicant filed the current Form I-821, on May 11, 2005, and indicated that he was re-registering for TPS.

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

If an alien is filing a re-registration application, 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.

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

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish his continuous residence and continuous physical presence during the required time period. 8 C.F.R. § 244.2 (b) and (c). Additionally, the applicant has provided insufficient evidence to establish that he is a national or citizen of El Salvador. It is noted that the applicant has submitted a copy of two pages of what appears to be his national identity document from El Salvador. However, the page containing his name was not submitted for consideration. The record does not contain a complete copy of a photo identification for the applicant such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

The applicant's U. S. Federal Bureau of Investigation (FBI) fingerprint results report indicates the following:

On February 18, 2001, he was arrested by the Sugar Land, Texas Police Department for driving while intoxicated. The report shows he was convicted of that charge on March 30, 2001. It is noted that the applicant submitted a letter from the Fort Bend County Community Supervision and Corrections Department dated October 3, 2003, indicating that he was placed on adjudicated probation for that conviction and completed the terms and conditions of his probation as of March 29, 2003.

On September 28, 2005, he was arrested by the Sherriff's Office in Douglasville, Georgia and charged with driving while his license was "suspended/revoked," a misdemeanor. He failed to appear in court as ordered, and a warrant was still outstanding on that charge (Case #05ST07127) as of February 2, 2006.

It is noted that an alien shall not be eligible for temporary protected status under this section if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). "Felony" and "misdemeanor" are defined at 8 C.F.R. § 244.1. The applicant has failed to provide any evidence revealing the final court disposition of his second arrest detailed above. The applicant has also failed to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited 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.