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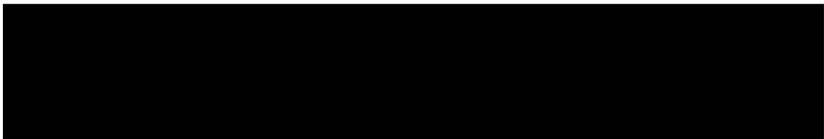
Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 228 88819]

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.

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

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 16, 2001, under CIS receipt number SRC 01 203 56979. The director, Texas Service Center, denied the application, on April 18, 2003, because the applicant failed to respond, within 30 days, to a notice of intent to deny issued on January 15, 2003, wherein the director requested that the applicant submit a photo ID, or national identification bearing a photo and/or **finger**print. The director, therefore, considered that application abandoned. 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 reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 16, 2005, under CIS receipt number WAC 05 228 88819, and indicated that she was re-registering for TPS.

The director denied that application on September 9, 2005, because the applicant's initial TPS application had been denied because the applicant did not establish prima facie eligibility for TPS.

On appeal, the applicant states that she received a Notice of Action, Form I-797C where it incorrectly stated she had applied for asylum. She also states she is concerned that she made an error when she checked "yes" on one of her Form I-821 applications and indicated that she was under immigration proceedings. The AAO notes that on her TPS application, filed August 4, 2003, the applicant checked "yes" in Part 2, in response to the question "Are you or have you ever been under immigration proceedings?" However, the record does not reflect that the applicant was under immigration proceedings. In addition, the record reflects that the applicant has only applied for TPS; therefore, the Form I-797C incorrectly stated that she had applied for asylum.

With the appeal, in an attempt to establish her eligibility for TPS, the applicant submits a birth certificate in Spanish, with an English translation; 3 Employment Authorization cards; a State of Georgia Learner Permit; a Wachovia document, dated March 28, 2003; 4 Wage and Tax Statements, Form W-2, 3 for 2003, and 1 for 2004; a TeleCheck letter, dated January 31, 2005; 3 earnings statements, 2 dated in January 2005, and 1 dated in December 2004; a receipt in Spanish, dated February 26, 2003; and 2 CIS rejection notices, dated April 27, 2005.

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.



Beyond the decision of the director, it is noted that although the record of proceedings contains an El Salvador birth certificate and English translation, the certificate was not accompanied by a photo identification to establish the applicant's nationality and identity as required by 8 C.F.R. § 244.9(a)(1). Therefore, the application will also be denied for this reason.

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 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.