



U.S. Citizenship  
and Immigration  
Services

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FILE:

[REDACTED]

Office: California Service Center

Date:

DEC 27 2006

[WAC 05 208 87287]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

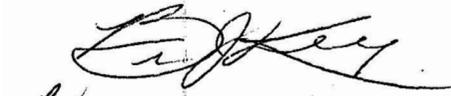
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
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 31, 2001, under CIS receipt number SRC 01 226 66603. The director, Texas Service Center, denied the application, on July 16, 2004, because the applicant failed to respond, within 12 weeks, to a request for evidence issued on April 19, 2004, wherein the director requested that the applicant submit evidence to establish his continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001 to the date of filing. 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 April 26, 2005, under CIS receipt number WAC 05 208 87287, and indicated that he was re-registering for TPS.

The director denied that application on August 16, 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 he believes that he is qualified for TPS and that he has provided the required evidence. The applicant does not submit any additional evidence with the appeal.

If the applicant is filing an application as a re-registration, a previous grant for 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, 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 although the record of proceedings contains an El Salvador birth certificate (in Spanish), and a photo Cedula (in Spanish), the certificate and the Cedula were not accompanied by an English translation 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.

It is noted that the applicant's Federal Bureau of Investigation (FBI) results reflects that the applicant was arrested by the Bureau of Investigation, Montgomery, Alabama, on April 9, 2004, and charged with 5399 Public Peace – Harassment - Dom Viol. The AAO notes that the final court dispositions are not in the record of proceeding. CIS must address this arrest in any future proceedings.

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.