

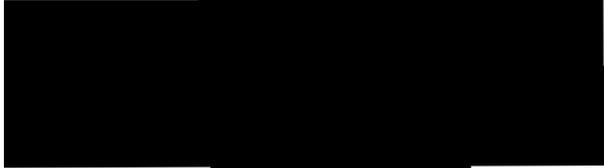
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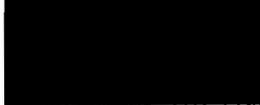
**U.S. Citizenship
and Immigration
Services**

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prevent clearly unwarranted
invasion of personal privacy**

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FILE:



Office: California Service Center

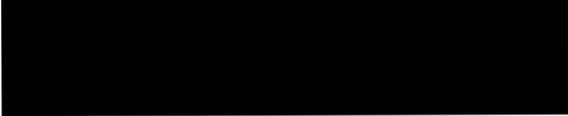
Date:

DEC 27 2006

[WAC 05 210 73896]

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.


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 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 December 13, 2001, under CIS receipt number SRC 02 058 53467. The Texas Service Center director denied the application, on March 17, 2004, because the applicant failed to respond to a request for evidence to establish his continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States from March 9, 2001, to December 13, 2001, the date of filing the TPS application. The director noted that the applicant failed to respond, within 12 weeks, to a request for additional information, issued by the director on December 12, 2003. The director, therefore, considered the 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 28, 2005, under CIS receipt number WAC 05 221 88337, 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 has evidence that he is eligible for TPS. With the appeal, in an attempt to establish his continuous residence and his continuous physical presence, the applicant submits a Certificate of Record Search issued by the Harris County District Clerk, dated August 25, 2005. The applicant does not submit any additional evidence on appeal.

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, 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, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. Therefore, the application will also be denied for these reasons.

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.