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

M1

FILE:

[REDACTED]
[WAC 05 204 76173]

Office: California Service Center

Date: **DEC 27 2006**

IN RE:

Applicant:

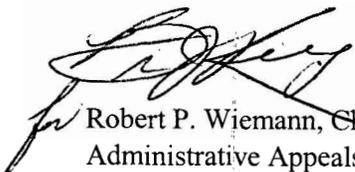
[REDACTED]

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 April 10, 2002, under CIS receipt number SRC 02 144 54260. The director denied that application on March 11, 2003, because the applicant failed to respond to a January 15, 2003 request to submit evidence within 30 days to establish the applicant's continuous physical presence in the United States since March 9, 2001, and to submit a photo ID. 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 reflect that the applicant filed a motion to reopen or reconsider.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 22, 2005, under CIS receipt number WAC 05 204 76173, and indicated that he was re-registering for TPS. The director denied the re-registration application, on September 8, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The record reflects that with his initial TPS application, in an attempt to establish his continuous residence and his continuous physical presence, the applicant submitted a birth certificate in Spanish, and an English translation; an Avon receipt, dated February 15, 2004; and a receipt from Propiedad de Morena's Market, dated July 5, 1999. With his re-registration application, the applicant submitted a Certificate of Baptism, a receipt, a document, and an identification card (all in Spanish); and an Employment Authorization Card that expired September 9, 2003. On appeal, the applicant states that he has sent evidence, and 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, 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). In addition, 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.