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

M1

FILE:

Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 216 81222]

IN RE:

Applicant:

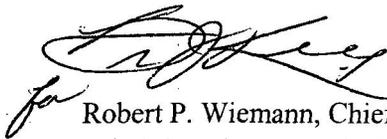
APPLICATION:

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

ON BEHALF OF APPLICANT:

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 August 27, 2002 under CIS receipt number SRC 02 255 54165. The director, Texas Service Center, denied the application, on April 30, 2004, because the applicant failed to respond to a January 30, 2003 notice of intent to deny, within 12 weeks. The director had requested that the applicant provide evidence to establish his continuous residence in the United States since February 13, 2001. 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 4, 2005, under CIS receipt number WAC 05 216 81222, and indicated that he was re-registering for TPS.

The director denied that application on September 2, 2005, because the applicant's initial TPS application had been denied because the applicant did not establish prima facie eligibility for TPS.

On appeal, counsel states that the applicant has resided in the United States since January 28, 2000 and requested 30 days to submit evidence to establish the applicant's eligibility for TPS. However, the record does not reflect that counsel has submitted any additional evidence. Therefore, the record must be considered complete.

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.

The application will be denied for the above stated reason. 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.