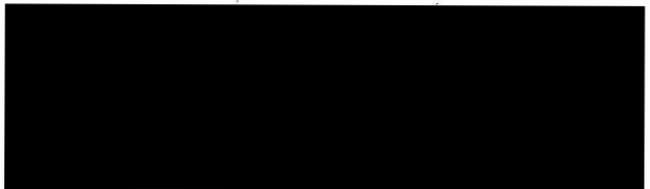


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**U.S. Citizenship
and Immigration
Services**

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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FILE: [REDACTED]
[WAC 05 216 76804]

Office: California Service Center

Date: **DEC 27 2006**

IN RE: Applicant:

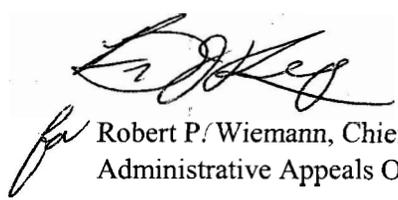


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


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 June 28, 2001, under CIS receipt number SRC 01 159 50065. The Texas Service Center director denied the application, on June 13, 2002, because the applicant failed to respond, within 90 days, to a request for evidence dated March 28, 2002. The director specifically requested that the applicant submit a photo identification. 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 76804, and indicated that he was re-registering for TPS.

The director denied that application on August 16, 2005, because the applicant's prior TPS application had been denied as the applicant did not establish prima facie eligibility for TPS.

On appeal, the applicant states that he entered the United States in January 1995, and he has maintained continuous residence and physical presence. With the appeal, in an attempt to establish eligibility for TPS, the applicant submits: an El Salvador birth certificate in Spanish, with an English translation; 2 Employment Authorization Cards; a reference letter from [REDACTED] V.P., [REDACTED] stating that the applicant has been an employee since March 23, 1998; an envelope addressed to the applicant in Hot Springs, Arkansas, date stamped in March 1996; 2 Wal Mart receipts; a CIS applicant information worksheet, dated July 12, 2001; 3 CIS application receipt notices, dated April 30, 2001; a fingerprint fee receipt notice, dated April 28, 2001; a CIS mailer, Form-797D; an application for TPS, and an Application for Employment Authorization, both dated March 17, 2001; 2 money order receipts; a letter, dated June 21, 2001, acknowledging receipt of a Social Security application; a letter, dated December 30, 2002, from the Arkansas Employment Security Department; an application for TPS, and an Application for Employment Authorization, both signed June 30, 2006; a letter from the Internal Revenue Service, dated August 5, 2003, notifying the applicant of advance payment of the 2003 Child Tax Credit; an application for TPS, and an Application for Employment Authorization, both signed September 2, 2003; an Internal Revenue Service notice, dated February 18, 2002, notifying the applicant of changes in his 2001 tax return; Federal Income Tax Returns, Form-1040, and Form W-2, for the years 2001, 2002, 2003, and 2004; and an Entergy letter of credit history, dated May 25, 2005. The record also reveals an Arkansas non-driver identification card, for the applicant, issued February 26, 2001, and a Social Security card.

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 nationality and identity. The applicant has furnished a copy of a birth certificate and English translation; however, he has not submitted a national identity document from his country bearing a photograph and or/fingerprint. The birth certificate alone is insufficient to establish the applicant's identity and nationality under the provision of 8 C.F.R. § 244.9(a)(1). Therefore, the application must 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.