



U.S. Citizenship  
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Services

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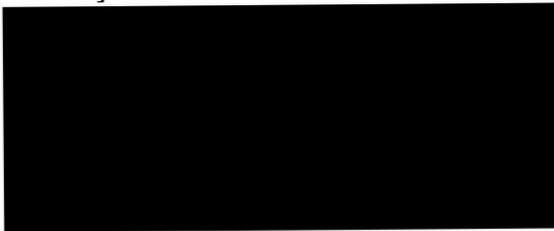
Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 214 74066]

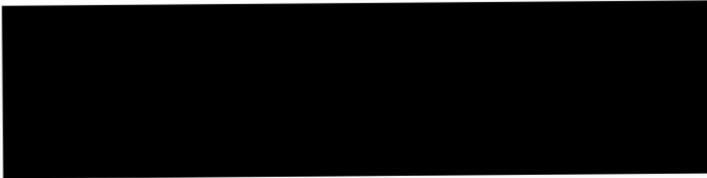
IN RE:

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.

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 a late initial TPS application on September 18, 2003, under CIS receipt number SRC 04 001 53737, dated October 1, 2003. The Texas Service Center director denied the application on March 26, 2004, because the applicant failed to respond, within 30 days, to a notice of intent to deny, issued February 23, 2004, wherein the director requested that the applicant submit evidence to establish that she was eligible for late initial registration for TPS. 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 2, 2005, under CIS receipt number WAC 05 214 74066, and indicated that she was re-registering for TPS.

The California Service Center director denied that application on October 29, 2005, because the applicant's initial TPS application had been denied as the applicant did not establish *prima facie* eligibility for TPS.

On appeal, counsel states that denial of the TPS re-registration is inappropriate where an applicant TPS has a pending or approved Form - 821. With the appeal, in an attempt to establish the applicant's eligibility for TPS, counsel submits: a CIS case status computer printout; letter, a CIS receipt notice, dated October 1, 2003; and the biographic page of the applicant's El Salvador passport.

While counsel asserts that the applicant's initial TPS application is still pending based on information contained in the CIS case status computer printout, the applicant's initial application was denied on March 26, 2004, and the denial notice was sent to the applicant at counsel's current address.

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, she 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.