



U.S. Citizenship
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Services

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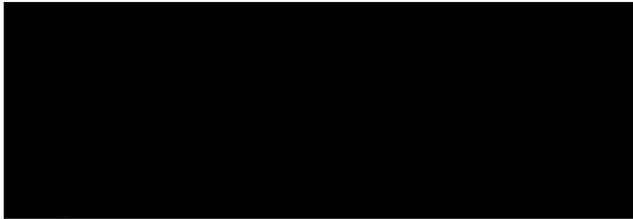
Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 216 77801]

IN RE:

Applicant:

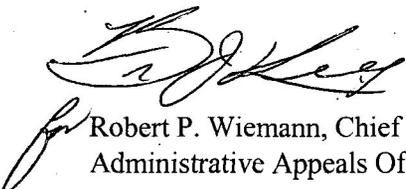


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 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 3, 2002, under CIS receipt number SRC 02 190 55593. The Texas Service Center director denied the application, on December 30, 2003, because the applicant failed to respond to two requests for evidence issued by the director. The director noted that the applicant failed to provide a photo identification document as required by the director on January 15, 2003 and on September 8, 2003. The director noted also that both times, the applicant requested additional time to submit the evidence requested. 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 77801, and indicated that she 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 she has been in the United States from November 1998, and she did not receive requests for additional evidence. With the appeal, in an attempt to establish her eligibility for TPS, the applicant submits: an El Salvador birth certificate in Spanish, with an English translation; an Employment Authorization Card; a Texas driver license, expiring September 10, 2008; an unclear envelope addressed to the applicant; a Gigante Express money transfer receipt, dated May 20, 1999; 2 Envios Urgentes courier service envelopes, addressed to the applicant in Waller Texas, both dated in June 1999; an Envios Express courier service receipt February 26, 2000; an [REDACTED] receipt, dated September 25, 2002; a pay stub from Magnum Staffing Services, dated January 3, 2003; 6 reference letters; a letter from Waller County Clerk, dated August 23, 2005, stating that no criminal record was found for the applicant; 4 earnings statements; and a Pronto Envios money transfer receipt, dated August 18, 2005.

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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish her nationality and identity. The applicant has furnished a copy of a birth certificate and English translation; however, she has not submitted a national identity document from her 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.