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**U.S. Citizenship
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[REDACTED]

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FILE:

[REDACTED]

Office: California Service Center

Date:

DEC 27 2006

[WAC 05 215 73083]

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.

Handwritten signature of Robert P. Wiemann in black ink.

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 August 16, 2002, under CIS receipt number SRC 02 248 54420. The Texas Service Center director denied the application, on July 21, 2003, because the applicant failed to respond, within 30 days, to a notice of intent to deny dated January 25, 2003, to submit evidence to establish her continuous residence in the United States since February 13, 2001, and her continuous physical presence from March 9, 2001, to the date of filing her TPS application. 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 3, 2005, under CIS receipt number WAC 05 215 73083, 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.

The record reveals that with her initial TPS application, the applicant submitted a copy of: a birth certificate (in Spanish) with an English translation; a Florida identification card, issued April 1, 2001; and 3 Western Union partially completed money transfer receipts.

With her re-registration application, the applicant submitted: an Employment Authorization Card which expires, September 9, 2003; a Social Security card; a CIS Abandonment Denial Notice, dated July 18, 2003; an unsigned letter from [REDACTED] dated July 27, 2003, stating that the applicant lived at his home since December 2000; a notarized letter from [REDACTED] dated February 19, 2002, stating that the applicant lived at her home since December 1, 2000; a notarized letter from [REDACTED] dated February 14, 2003, stating that the applicant has been employed by the affiant for the months February 2001, and March 2001; and a 2001 W-2 Wage and Tax Statement.

On appeal, the applicant states that she has been in the United States and has been active in her church. With her appeal, in an attempt to establish her continuous residence and her continuous physical presence, the applicant submits a notarized letter, signed by 9 individuals, stating that the applicant entered the United States on December 12, 2000, and they have been her neighbors for a long time; and a letter from [REDACTED] stating that the applicant has been a church member from March 29, 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, 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).

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.