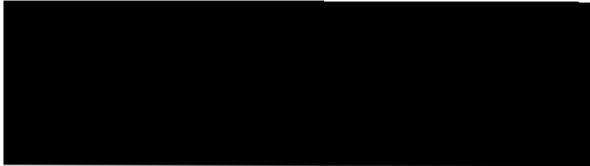


**PUBLIC COPY**



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

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



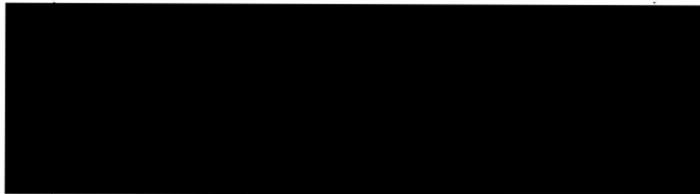
M1

FILE: [REDACTED]  
[WAC 05 215 76777]

Office: California Service Center

Date: **DEC 27 2006**

IN RE: Applicant:

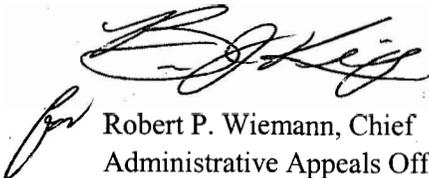


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 April 23, 2001, under CIS receipt number SRC 01 193 64453. The Texas Service Center director denied the application, on December 17, 2002, because the applicant failed to respond, within 12 weeks, to a September 6, 2002 request for evidence to 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 a subsequent Form I-821, Application for Temporary Protected Status, on September 9, 2002, under CIS receipt number SRC 02 272 53124, and indicated that she was re-registering for TPS. The Texas Service Center director denied that application on June 12, 2003, because the applicant failed to respond, within 30 days, to a notice of intent to deny, dated January 31, 2003, wherein the applicant was requested to 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 3, 2005, under CIS receipt number WAC 05 215 76777, 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: an El Salvador birth certificate with an English translation; a Stovall Middle School computer data printout dated April 9, 2001; and a vaccination record from West End Health Center. With her re-registration application, filed on September 9, 2002, the applicant submitted a Social Security card, and an Employment Authorization Card that expires on September 9, 2002.

On appeal, the applicant states that she does not understand why her application was denied. With her appeal, in an attempt to establish her continuous residence and her continuous physical presence, the applicant submits: some of the same evidence that she submitted with her initial application and with her re-registration application; a CIS receipt notice, dated May 5, 2005; a CIS fingerprint notification, dated May 31, 2005; a Texas Under 21 Identification Card; 2 certificates issued in May 2001; a marriage license, dated December 1, 2003; a marriage certificate, dated December 10, 2003; 2 Documentation of Birth, issued by Harris County Hospital District showing child births on September 28, 2003, and on January 23, 2005; a 2004 Form 1099-MISC; and a 2004 Individual Income Tax Return, Form – 1040, with a tax return cover letter , dated April 9, 2004.

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.