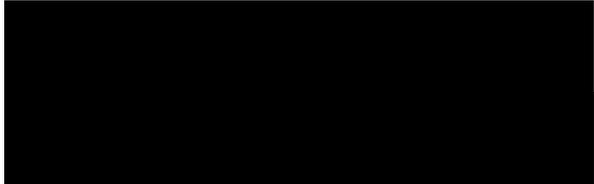


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**U.S. Citizenship
and Immigration
Services**

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



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FILE:



Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 202 71128]

IN RE:

Applicant:

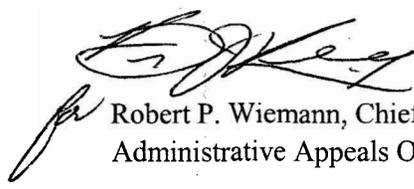


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 16, 2001, under CIS receipt number SRC 01 180 64090. The Texas Service Center director denied the application, on November 24, 2004, because the applicant failed to appear for a scheduled fingerprinting appointment on August 12, 2004. 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 April 20, 2005, under CIS receipt number WAC 05 202 71128, 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 did not receive the fingerprinting appointment notice because she changed her address, and that she has been in the United States since 1997. With the appeal, in an attempt to establish her continuous residence in the United States and her continuous physical presence, the applicant submits copies of the following: 2 Employment Authorization Cards, one issued on December 12, 2001, and the other expired on March 9, 2005; a Texas birth certificate, for [REDACTED] issued January 20, 1999; 4 Urgente Express money transfer receipts, dated in the years 1997, 1998, and 1999; a vaccination record for [REDACTED] a school transcript for [REDACTED] a document in Spanish, dated December 24, 1997, referencing [REDACTED] an unsigned inquiry letter, dated December 27, 2004; a Head Start diploma, for [REDACTED] dated May 23, 2003; 5 CIS receipt notices; 2 fingerprint appointment notices; and a notice cancelling a scheduled fingerprint appointment.

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.