



U.S. Citizenship  
and Immigration  
Services

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**DEC 29 2006**  
Date:

FILE:

Office: CALIFORNIA SERVICE CENTER

[WAC 05 207 82898]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 (AAO) on appeal. The appeal will be dismissed.

The applicant claims 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 a TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 01 185 63829. The director denied that application on November 24, 2003, because the applicant failed to submit the required documents to establish that he was eligible for TPS, in response to a Request for Additional Information. There is no record that the applicant filed an appeal from the denial decision. After a review of the record, the Chief, AAO, concurs with the director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 25, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

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, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

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.

Finally, the record indicates that the applicant was arrested on three different occasions. On February 27, 1992, he was charged in Brownsville, Texas with Shark Fishing in U.S. Water, On November 2, 2001, he was charged in La Porte, Texas with Harvesting Oyster in a Polluted Area. Finally, on December 1, 2004, he was charged with Evading Arrest in Houston, Texas. Since there are no final court dispositions in the record regarding two of these crimes, the AAO is unable to render a decision on how they affect his TPS application. These offenses must be addressed in any further immigration proceedings.

**ORDER:** The appeal is dismissed.