



U.S. Citizenship  
and Immigration  
Services

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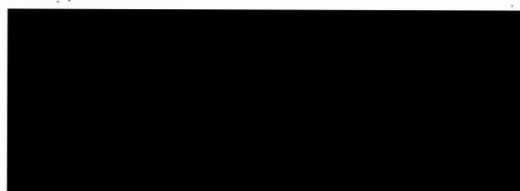
Office: California Service Center

Date: **DEC 29 2006**

[WAC 05 225 75510]

IN RE:

Applicant:

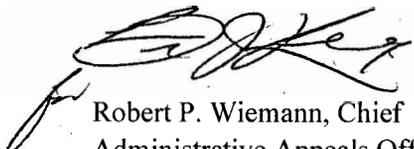


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 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 30, 2001, under CIS receipt number SRC 01 197 57161. The director denied that application, on October 9, 2002, because the applicant failed to report for fingerprinting as requested by the director on May 22, 2002. The director, therefore, considered the TPS 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 December 10, 2002, under CIS receipt number SRC 03 051 53583, and indicated that he was re-registering for TPS. The director denied the application on January 25, 2003, because the applicant's initial TPS application had been denied.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 13, 2005, under CIS receipt number WAC 05 225 75510, and indicated that he was re-registering for TPS. The director denied that application on May 9, 2005, because the applicant's initial TPS application had been denied because the applicant did not establish prima facie eligibility for TPS.

On appeal, the applicant asserts that he is a national of El Salvador, and he entered the United States in 1995. In an attempt to establish eligibility for TPS, the applicant submits copies of the following: 1) the biographic page of his el Salvador passport; a Texas driver's license which expires April 14, 2012; his Social Security card; an EAD card, which expired September 9, 2002; 4 CIS application receipt notices, dated July 24, 2001, June 13, 2001, December 11, 2002, and December 11, 2002; copy of an EAD application, signed September 23, 2002; copy of a TPS application – Form 821, signed September 23, 2002; 4 CIS letters, dated May 19, 2003, June 24, 2004, June 28, 2004, and July 10, 2003, responding to the applicant's FOIA request; a FOIA request submitted on behalf of the applicant by [REDACTED]; a 4-page affidavit from the applicant, signed on December 22, 2003; a fingerprint notice, issued on June 7, 2005; and 2 CIS notices, dated May 17, 2005, acknowledging receipt of the applicant's Form I-821, and Form-765.

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.

It is noted that the applicant's Federal Bureau of Investigation (FBI) fingerprint results report reflects that the applicant was: 1) arrested by the Police department, Irving, Texas, on September 9, 2002, and charged with

Driving While Intoxicated; 2) a conviction, on February 12, 2003, by the Dallas Criminal Court # 8, of Driving While Intoxicated; 3) an arrest, on August 29, 2004, by the Sheriff's Office, Dallas, Texas, and charged with Driving While Intoxicated. The AAO notes that the final court dispositions are not in the record of proceeding. CIS must address this arrest in any future proceedings.

It is also noted that the record reveals that the applicant was apprehended on entry, on September 17, 1999, placed in Removal Proceedings, under A75906814, and ordered removed, on December 10, 1999, by the Immigration Judge.

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.