

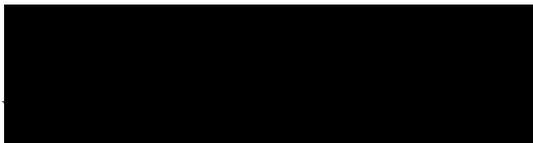
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U.S. Citizenship  
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**MI**

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: FEB 15 2006  
[WAC 05 222 76361]

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.

*Cindy M. Gomez*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for re-registration 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 is a native and 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 director determined that the applicant was ineligible for re-registration because the applicant's initial Form I-821, Application for Temporary Protected Status, had been denied. The director, therefore, denied the application for re-registration on September 28, 2005.

On appeal, the applicant requests that documentation furnished be reviewed, that he be granted the opportunity to re-register under the TPS program, and that he be issued employment authorization because he has to support his U.S. citizen son. He submits documentation in an attempt to establish continuous residence and continuous physical presence during the requisite period.

The record shows that the applicant filed an initial application for TPS during the initial registration period on May 10, 2001. The director denied that application on September 21, 2004, after determining that the applicant had been convicted of two misdemeanors. The applicant appealed the director's decision to the AAO on October 22, 2004.

On August 22, 2005, the AAO affirmed the director's decision and dismissed the appeal after determining that the applicant was convicted in the Superior Court of California, County of Los Angeles, on May 29, 2002, of two misdemeanors; namely, "unlicensed driver," 12500(a) VC, and "knowingly assist unauthorized person to obtain driver's license," 14610.7 VC.

The applicant subsequently filed a second Form I-821 on May 10, 2005. The director denied this application on September 28, 2005, because the initial application had been denied and the applicant was no longer eligible for re-registration.

The applicant's initial Form I-821 was properly filed on April 10 2001. That initial application was denied by the director on September 21, 2004, and an appeal was dismissed by the AAO on August 22, 2005. Any Form I-821 application subsequently submitted by the same applicant after an initial application is filed and a decision rendered, must be considered as either a request for annual registration or as a new filing for TPS benefits.

If the applicant is filing an application for 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.

The applicant filed a subsequent Form I-821. Since the initial application was denied, the subsequent application cannot be considered as a re-registration. Therefore, this application can only be considered as a late registration.

To qualify for late registration, the applicant must provide evidence that during the initial registration period from March 9, 2001 through September 9, 2002, he fell within the provisions described in 8 C.F.R. § 244.2(f)(2). The record in this case, however, does not contain evidence that the applicant has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). The provisions of TPS do not allow approval of any application filed by an individual convicted of two or more misdemeanors, as is the case in this instance. Also, the reasons for the initial denial have not been overcome. Consequently, the director's decision to deny the application will be affirmed.

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.