



U.S. Citizenship  
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FILE:

[WAC 05 224 80607]

Office: CALIFORNIA SERVICE CENTER

Date: JUL 14 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, (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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, during the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 01 174 55859.] The director denied that application on July 15, 2002, after determining that the applicant had abandoned his application by failing to provide final court dispositions concerning two misdemeanor arrests.

The FBI fingerprint results report, referred to by the director and contained in the record of proceeding, reflected the following:

On May 6, 1994, the Addison, Texas, Police Department arrested the applicant and entered two charges. The first was "WRT Violation of Dealer Tag" and the second was "False Cert of INS."

The director informed the applicant that there is no appeal from a denial due to abandonment, but that he could file a motion to reopen the case.

On November 17, 2003, the applicant filed a motion to reopen. On November 20, 2003, the director approved the motion because the fingerprint notification form had been mailed to the applicant's previous address even though the applicant had provided his new address. The director stated in the decision that the applicant "has submitted all evidence needed to overcome the basis for the original denial of his/her TPS application," and informed him that he would be notified of a new date to appear for fingerprinting.

On June 9, 2004, the director reopened and reconsidered the applicant's case and found that the evidence submitted did not allow approval of his initial application and again requested the applicant submit final court dispositions for his two arrests shown above. The director required the applicant to submit the requested information within 30 days and informed him that failure to respond in a timely manner would result in the denial of his application.

On November 10, 2004, the director denied the application because the applicant had failed to submit the requested court dispositions and arrest records for the above listed charges. A subsequent appeal was dismissed by the Director, AAO, who noted that more recent Federal Bureau of Investigation fingerprint results report shows that on February 20, 2004, the applicant was arrested by the Dallas, Texas, Police Department for driving while intoxicated and that the final court disposition for this crime is also not included in the record of proceeding.

The applicant filed the current Form I-821, on May 12, 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 an alien is filing a re-registration application, 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.

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.