



U.S. Citizenship
and Immigration
Services

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FILE:



Office: California Service Center

Date: **NOV 21 2006**

[WAC 05 211 81382]

IN RE:

Applicant:

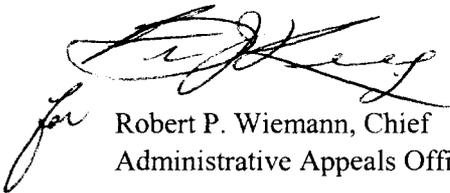


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 01 184 64887. The director denied that application, on April 19, 2004, because the applicant failed to respond to a request for evidence to establish his eligibility for TPS. The director noted that the applicant failed to provide evidence that the applicant is a citizen of El Salvador as requested by the director on January 9, 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 29, 2005, under CIS receipt number WAC 05 211 81382, and indicated that he was re-registering for TPS.

The director denied that application on August 16, 2005, because the applicant's initial TPS application had been denied as the applicant did not establish prima facie eligibility for TPS.

On appeal, applicant asserts that he is a national of El Salvador, and that he entered the United States on October 22, 1994. In an attempt to establish eligibility for TPS, the applicant submits copies of the following: 1) an English translation of a birth certificate; 2) a copy of his Social Security card; 3) 2 Arkansas Driver License(s), one issued January 30, 2001, and the other February 4, 2005; 3) an Earnings Statement for a pay period ending August 15, 1995; 4) a birth certificate, issued by the Arkansas Department of Health, Division of Vital Statistics, on January 31, 2001, for his child born on January 24, 1998, and a Social Security card for the child; 5) 2 personal property tax receipts, for 1997, and 1999, respectively, issued by the Pulaski County Treasurer; 6) a Birth Registration Card, for his daughter, issued on August 15, 2005 by the Arkansas Department of Health; 7) 3 EAD cards showing validity dates from July 11, 2001 through March 9, 2005; 8) 18 Earnings Statements, five issued in 2002, 7 issued in 2003, and 6 issued in 2004.

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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish his nationality and identity. The applicant has not submitted a birth certificate, although he has furnished an English translation of a birth certificate. Also, he has not submitted a national identity document from his country bearing a photograph and or/fingerprint. The English translation of the purported 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.