



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
[WAC 05 238 70909]

Office: California Service Center

Date: **NOV 21 2006**

IN RE:

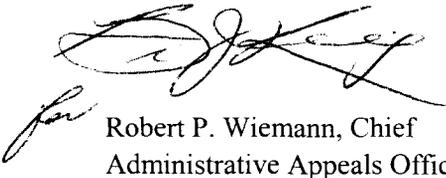
Applicant: [REDACTED]

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.


for 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 July 5, 2002, under CIS receipt number SRC 02 243 51207. The director denied that application, on March 22, 2003, because the applicant failed to respond to a request for evidence to establish her eligibility for TPS. The director noted that the applicant failed to respond to a notice of intent to deny, dated January 23, 2003, wherein the director requested evidence to establish the applicant's identity and nationality, her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States from March 9, 2001 to the date of filing her application. 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 May 26, 2005, under CIS receipt number WAC 05 238 70909, and indicated that she was re-registering for TPS.

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

On appeal, in an attempt to establish eligibility for TPS, the applicant submits copies of the following: 1) a Summary Notification from the Cobb County Division of Family and Children Services, dated June 3, 2004; 2) a summary of medical charges from the Marietta Community Health Center, with a January 20, 2004 receipt date; 3) an Offense Report, dated November 21, 2003, issued by the Marietta Police Department; 4) a Discharge Instruction Checklist, dated July 16, 2003, issued by Wellstar Health System; 5) an invoice from [REDACTED] MD, dated 10/23/03; 6) a reference letter from an employer, dated May 29, 2002 stating that the applicant has been employed with the company since May 12, 2000; 7) 2 earnings statements from K-Mart Corporation for a pay period ending January 1, 2003, and a period ending May 9, 2001; 8) 2 Western Union money transfer receipts, one issued on October 4, 2001, and the other on March 21, 2002; 9) a 2001 W-2, Wage and Tax Statement and Earnings Statement; and, 10) a personalized tax analysis of tax data for the year 2000.

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, she 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 her nationality and identity. The applicant has furnished a copy of a birth certificate and English translation;

however, she has not submitted a national identity document from her country bearing a photograph and or/fingerprint. The 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.