

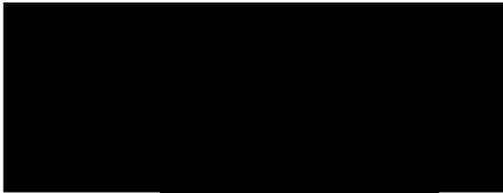


U.S. Citizenship  
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Services

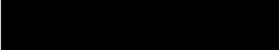
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FILE:



Office: California Service Center

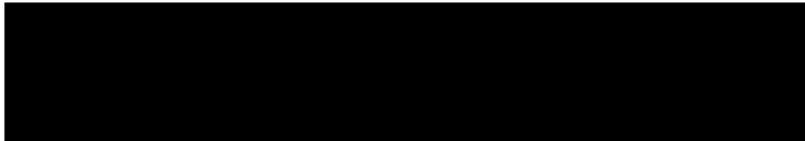
Date:

**NOV 21 2006**

[WAC 05 210 79331]

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 August 16, 2001, under CIS receipt number SRC 01 258 54391. The Director, Texas Service Center, denied that application, on March 06, 2003, because the applicant failed to respond to a request for evidence to establish his continuous physical presence in the United States since March 9, 2001 to the date of filing his TPS application. The director noted that the notice of intent to deny was returned as undeliverable although the notice was sent to the applicant's last known address. 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 28, 2005, under CIS receipt number WAC 05 210 79331, 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, the applicant states only that he qualifies for TPS because he has had TPS since 2001, and that he came to the United States in 1995. With the appeal, in an attempt to establish eligibility for TPS, the applicant submits a photocopy of: 1) a State of North Carolina ID card, issued on December 20, 2004; 2) an EAD card showing validity from October 27, 2001 through September 9, 2002; and 3) a Social Security card.

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 continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. Therefore, the application will 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.