



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



*MI*

FILE:



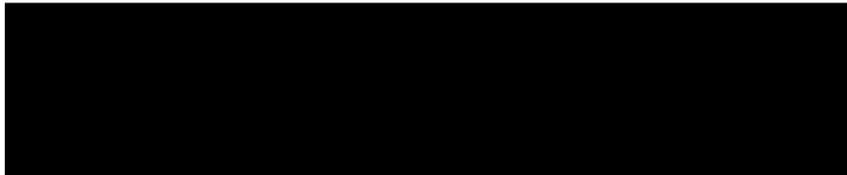
Office: California Service Center

Date: APR 03 2007

[WAC 05 228 70867]

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 June 7, 2002, under CIS receipt number SRC 02 196 55369. The Texas Service Center director denied the application, on November 20, 2003, because the applicant failed to appear for fingerprinting as requested by the director on January 7, 2003. 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 16, 2005, under CIS receipt number WAC 05 228 70867, and indicated that he was re-registering for TPS.

The director denied that application on December 19, 2005, because the applicant's prior TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that he needs his work permit to work and support his wife. The applicant does not submit any evidence with the appeal.

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.

It is noted that the record reflects that the applicant was: arrested on March 23, 1996 by the Plano Police Department and charged with Driving without a license, and no insurance; arrested April 4, 1998 by the Plano Police Department because of three outstanding arrest warrants; arrested on March 18, 1999, by the Plano Police Department because of an outstanding arrest warrant; and arrested on August 3, 2002, by the Plano Police Department, and charged with DWI. The applicant has submitted copies of custody reports pertaining to the arrests. However, the final court dispositions are not in the record of proceeding. CIS must address these arrests in any future proceedings.

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.