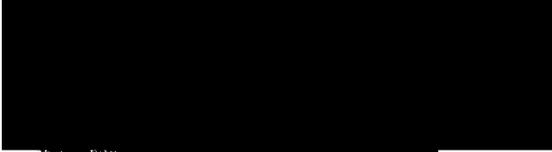


identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



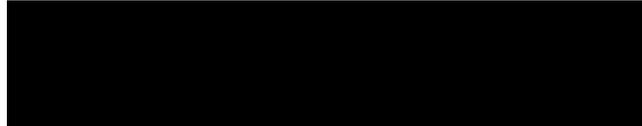
MI

FILE: [REDACTED]  
[WAC 05 126 70629]

Office: CALIFORNIA SERVICE CENTER

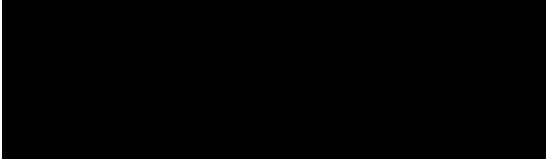
Date: **APR 06 2007**

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:



**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.

*Cindy N. Gomez*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims 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 his first TPS application on August 15, 2003, after the initial registration period had expired, under Citizenship and Immigration Services (CIS) receipt number SRC 03 228 57015. On October 31, 2003, the director of the Texas Service Center (TSC) mailed to the applicant a Notice of Intent to Deny requesting additional evidence to establish his eligibility for late registration, continuous residence since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The notice also requested evidence of his identity and nationality.

The director of the TSC denied the application on December 12, 2003, due to abandonment because the applicant failed to submit the evidence requested in connection with his application. After a review of the record, the AAO concurs with the director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 3, 2005, and indicated that he was re-registering for TPS.

The CSC director denied the re-registration application on September 8, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed his current appeal from that decision on November 3, 2005.<sup>1</sup>

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.

An alien applying for TPS 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.

---

<sup>1</sup> Although the appeal was filed more than 30 days after the director's denial decision, the record reveals that it was initially filed in a timely manner. However, the appeal was returned to the applicant because of the submission of incorrect fees, and then resubmitted with the correct fee.