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U.S. Citizenship
and Immigration
Services

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APR 13 2007

FILE:



OFFICE: California Service Center

DATE:

[WAC 05 153 70176]

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 (CSC). It is now on appeal before the Administrative Appeals Office (AAO). 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 an initial TPS application on August 14, 2003, at the Vermont Service Center (VSC) under Citizenship and Immigration Services (CIS) receipt number EAC 03 243 53184. The director, VSC, denied that application on March 4, 2004, because the application was not filed by the requisite deadline of September 9, 2002, and also because the record failed to establish that the applicant had been continuously resident in the United States since February 13, 2001, and continuously physically present in the United States since March 9, 2001, as required for TPS applicants from El Salvador. The applicant filed an appeal with the AAO, which affirmed the director's decision on October 20, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 2, 2005. Treating it as a re-registration application, the director, CSC, denied the application on April 24, 2006, stating that because the applicant's initial TPS application had been denied, the applicant was not eligible to re-register for TPS.

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. *See* 8 C.F.R. § 244.17.

On appeal the applicant requests that his case be reviewed, but submits no further documentation.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Accordingly, the director's decision to deny the application will be affirmed.

Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

An alien applying for Temporary Protected Status, or 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.