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U.S. Citizenship
and Immigration
Services

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APR 27 2007

FILE:

[WAC 05 228 76204]

OFFICE: California Service Center

DATE:

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. It is now on appeal before the Administrative Appeals Office (AAO). 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 Form I-821, Application for Temporary Protected Status, on January 28, 2004, under Citizenship and Immigration Services (CIS) receipt number EAC 04 125 51024. The director denied that application on September 8, 2004, on the ground that the applicant – whose Form I-821 was not filed during the initial registration period for TPS applicants from El Salvador, which expired on September 9, 2002 – failed to establish that he was eligible for late TPS registration. The applicant filed an appeal with the AAO, which affirmed the director's decision on January 9, 2006.

The applicant filed the current TPS application on May 16, 2005. The director denied the second Form I-821 as a re-registration application on June 26, 2006, stating that because the applicant's initial TPS application had been denied, the applicant was ineligible to re-register for TPS. On appeal the applicant requests that his case be reconsidered.

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.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Nor is there any evidence in the file to suggest that the applicant is eligible for late TPS registration under 8 C.F.R. § 244.2(f)(2). Accordingly, the director's decision to deny the application will be affirmed.

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 that burden.

ORDER: The appeal is dismissed.