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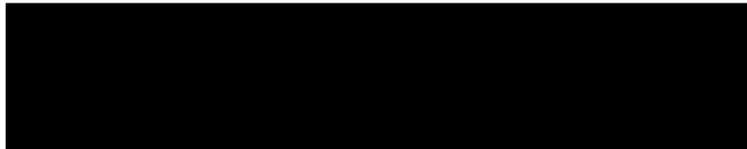
Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 06 012 70132]

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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center. A subsequent TPS re-registration application was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) 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 a TPS application during the initial registration period under CIS receipt number EAC 02 048 54540. The Director, Vermont Service Center, denied that application on March 20, 2003, because the applicant failed to establish her qualifying continuous physical presence in the United States during the requisite time period. The applicant appealed the director's decision on April 14, 2003. The AAO dismissed the appeal on February 14, 2005, because the applicant failed to establish her continuous physical presence in the United States since March 9, 2001. The AAO also noted that the applicant had failed to submit sufficient evidence to establish her continuous residence in the United States since February 13, 2001.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on October 12, 2005.

The Director, California Service Center, denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration 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. 8 C.F.R. § 244.17.

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

Counsel states that the applicant is eligible as a late registrant because her husband has been granted TPS.

A review of the record of proceeding demonstrates that the applicant's marriage certificate shows that she was married to [REDACTED] on May 23, 1992, in El Salvador. The CIS computer systems reflect that [REDACTED] was granted temporary protected status on September 23, 2002. The AAO, in its decision dated February 14, 2005, indicated that the applicant was eligible for late registration as the spouse of a TPS registrant. Therefore, the applicant qualifies for late registration as described in 8 C.F.R. § 244.2(f)(2).

Although the applicant qualifies for late registration, there is insufficient evidence in the record to demonstrate the applicant's continuous residence and continuous physical presence in the United States during the requisite time periods. As detailed above, the applicant was afforded multiple opportunities to submit evidence of her qualifying continuous residence and continuous physical presence in conjunction with her previous application and appeal, and she failed to do so. Therefore, the director's decision to deny TPS will be affirmed.

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.