



U.S. Citizenship
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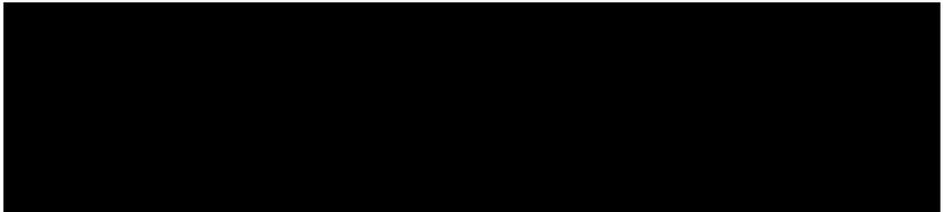
OFFICE: California Service Center

DATE: **AUG 02 2007**

[WAC 05 202 72666]

IN RE:

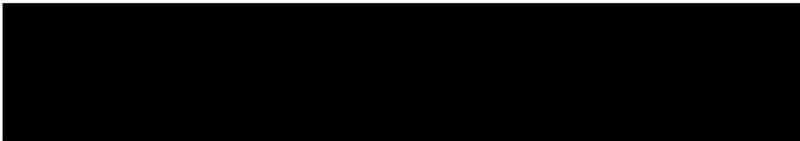
Applicant:



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.

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 is a native and 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, with the Texas Service Center (TSC) on July 10, 2002 [SRC 02 235 53698]. The TSC Director denied that application on September 7, 2004, on the ground that the applicant had been convicted of a felony committed in the United States, which made him ineligible for TPS under section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.2(d). The applicant filed an appeal, which was dismissed by the AAO on October 24, 2005.

The applicant filed the current Form I-821, which he designated as an application for re-registration or renewal of TPS, with the California Service Center on February 18, 2005. The CSC Director denied the application on August 28, 2006, on the ground that the applicant's initial TPS application had been denied, making him ineligible to re-register for TPS. The CSC Director also denied the companion Form I-765, Application for Employment Authorization [WAC 05 202 72667].

On appeal the applicant states that he has been approved for employment authorization in the past and requests that his Form I-765, Application for Employment Authorization, be reconsidered. The AAO has no jurisdiction over the applicant's Form I-765, however, because Citizenship and Immigration Services (CIS) regulations do not allow for appeals of service center or district office decisions denying employment authorization. Regarding his application to re-register for TPS, the applicant has not submitted any legal argument or additional documentation on appeal. Although the applicant indicated on the Form I-290B that he would submit a brief and/or evidence in support of his appeal within 30 days, no such brief or evidence has been submitted.

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. Accordingly, the director's decision to deny the application will be affirmed.

It is noted that the applicant is subject to an outstanding Warrant of Removal/Deportation (Form I-205) issued by the District Director in Huntsville, Texas, on September 22, 1999.

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.