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**U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 113 76967]

Office: CALIFORNIA SERVICE CENTER

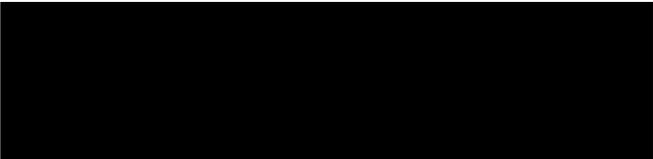
Date:

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:



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.

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

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 a first TPS application during the initial registration period on April 9, 2001, under receipt number WAC 01 173 57266. The Director, Nebraska Service Center (NSC) denied that application due to abandonment on May 17, 2004, because the applicant failed to submit sufficient evidence to establish that he had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States since March 13, 2001. He also failed to submit the final court dispositions for two arrests. After a review of the record, the Chief, AAO, concurs with the director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 14, 2005, and indicated that he was re-registering for TPS.

The CSC director 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.

On appeal, counsel argues that the applicant had only been convicted of one misdemeanor, and is therefore not ineligible for TPS. The applicant also submits photocopies of documents in an attempt to establish that he had continuously resided in the United States and had been continuously physically present in the United States during the periods required by the regulations.

However, no evidence was submitted that the applicant is eligible for re-registration due to a previously approved TPS application. In this case, the applicant has not previously been granted TPS, therefore, he is not eligible to re-register. Consequently, the director's decision to deny the application will be affirmed.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. 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).

It is noted that the applicant was ordered removed from the United States to El Salvador by an Immigration Judge on September 26, 1996. That order remains outstanding. There is also an outstanding Warrant of Deportation for the applicant, issued on September 30, 1996, by the District Director, Los Angeles District Office.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.