

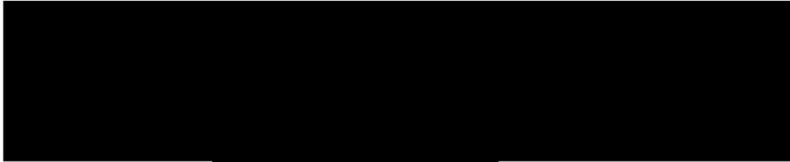


U.S. Citizenship  
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FILE:



OFFICE: California Service Center

DATE: **AUG 31 2007**

[WAC 05 215 79256]

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.

*Cindy M. Moner*  
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 Form I-821, Application for Temporary Protected Status, at the Texas Service Center (TSC) on May 30, 2001 [SRC 01 225 74785]. The director denied that application on June 16, 2003, on the ground that the applicant failed to establish that he had been continuously physically present in the United States from March 9, 2001 until the date his application was filed, as required for TPS applicants from El Salvador. The applicant filed an untimely appeal, which was treated as a motion to reopen or reconsider by the TSC Director. After reviewing the entire record, the TSC Director denied the application again for failure of the applicant to establish his eligibility for TPS.

The applicant filed the current application, designated as an application to re-register for TPS, with the California Service Center on May 3, 2005.<sup>1</sup> The CSC Director denied the application on August 16, 2005, stating that since the initial TPS application had been denied, the applicant was ineligible to re-register for TPS. The applicant filed a timely appeal and submitted photocopies of some additional documentation as well as other materials already in the record.

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.

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.

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<sup>1</sup> Other TPS re-registration applications were filed in 2002 and 2004.