



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



M

FILE:



OFFICE: California Service Center

DATE:

DEC 04 2007

[WAC 05 221 82643]

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 (CSC). 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, at the CSC on December 2, 2004 [WAC 05 012 51787]. The director denied that application on January 28, 2005, on the grounds that the applicant failed to submit requested evidence to establish that he was eligible for late registration and that he had resided continuously in the United States since February 13, 2001. The applicant filed an appeal with the AAO, which determined that the applicant was eligible for late initial registration, but affirmed the director's decision on the grounds that the applicant failed to establish that he met the continuous residence and continuous physical presence requirements for TPS.

The applicant filed the current TPS application on May 11, 2005, and indicated that he was applying for re-registration of TPS. On August 16, 2005, the director denied the re-registration application on the ground that the initial TPS application had been denied, thereby making the applicant ineligible to re-register for TPS. The applicant filed a timely appeal and 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. Since the applicant in this case has not previously been granted TPS, 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.