



U.S. Citizenship  
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Services

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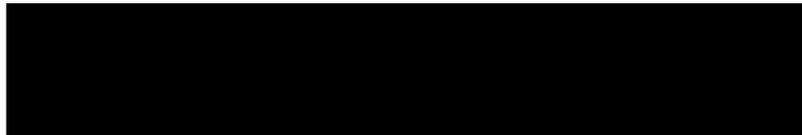
OFFICE: CALIFORNIA SERVICE CENTER

DATE: DEC 28 2007

[WAC 05 225 80395]

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.

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 on appeal. 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 a TPS application during the initial registration period on July 25, 2001, under receipt number EAC 01 234 55367. The director denied that application on March 20, 2004, after determining that the applicant had abandoned her application based on her failure to appear for fingerprinting on July 16, 2003. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 13, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application on September 1, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant asserts that she disagrees with the director's decision because she "never received any notice asking for anything." A review of the record indicates that the request to appear for fingerprinting dated June 5, 2003, and the director's denial decision dated March 20, 2004, were mailed to the applicant's most recent address provided by the applicant at that time [REDACTED]. There is no evidence in the record that the applicant had advised CIS of a change of her address, nor is there evidence that the notices were returned to CIS as undeliverable.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, neither the individual nor the organization named is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The applicant is filing the current TPS application as a re-registration; however, 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.

It is noted that the record indicates that the applicant subsequently was fingerprinted on June 3, 2005, on April 26, 2006, and on March 31, 2007. The Federal Bureau of Investigation fingerprint results report and the records contained in file number [REDACTED], indicate that the applicant, under the name of [REDACTED] was apprehended by the United States Border Patrol near Tucson, Arizona, subsequent to her entry into the United States without inspection on December 28, 2000. In removal proceedings held on January 19, 2001, the Immigration Judge ordered the applicant removed from the United States to El Salvador. On April 26, 2005, in Las Vegas, Nevada, A Warrant of Removal/Deportation, Form I-205, was issued on April 26, 2005. Although the record does not show that the applicant departed from the United States based on the warrant of removal, it is noted that the applicant indicated on her re-registration application filed on March 13, 2005, under receipt number WAC 05 225 80396, that her date of entry into the United

States was March 28, 2001, and that she entered the United States without inspection at "Agua Prieta." The applicant was not in the United States during the period required to establish eligibility for TPS. Therefore, the applicant could not have met the criteria for continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. Furthermore, the applicant furnished no documentary evidence to establish continuous residence and continuous physical presence during the qualifying period. Consequently, the applicant has failed to establish that she has met the criteria for continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, as described in 8 C.F.R. § 244.2(b) and (c). Therefore, the application will also be denied for these reasons.

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 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.