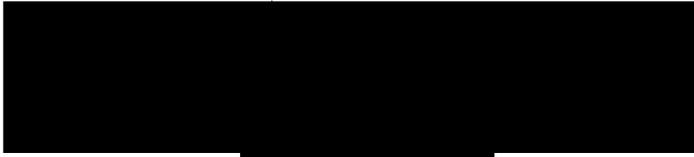


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FILE: [REDACTED]
[WAC 05 225 71704]

OFFICE: California Service Center

DATE: FEB 01 2007

IN RE: Applicant: [REDACTED]

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 "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and 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, in August 2001. The application was denied by the director on the ground of abandonment in May 2004 after the applicant failed to comply with a request for evidence by the service center in March 2004 to provide original court document(s) showing the final resolution of four different arrests in and around Los Angeles, California. The applicant filed an appeal, which was rejected by the director on the ground that it was not timely filed. The applicant filed a motion to reopen on August 13, 2004, which was accepted by the director and forwarded to the AAO for review. Since the director's initial decision was based on abandonment, however, the AAO determined that it had no jurisdiction over an appeal and/or a motion to reopen that decision and remanded the case to the director. On February 10, 2006 the director denied the applicant's motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 10, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on March 20, 2006, 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. *See* 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. The AAO notes that the record includes a Form I-512, Authorization for Parole of an Alien into the United States, dated May 17, 2002, which granted the applicant a 90-day window to travel outside the United States and reenter the United States without affecting his pending TPS application. The parole authorization was an administrative action of a district director that did not preempt the authority of the service center director to determine the applicant's ultimate eligibility for TPS benefits in his initial Form I-821 application. In his subsequent decision on the initial Form I-821 application in May 2004, confirmed in February 2006 by the denial of the motion to reopen, the director ruled that the applicant had not established his eligibility for TPS. Therefore, the applicant is not eligible to re-register for TPS. Accordingly, the director's decision to deny the application will be affirmed.

There is no indication that the applicant is 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).

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.