



U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: California Service Center

DATE: FEB 21 2007

[WAC 05 228 75747]

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. 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, on April 23, 2001. The director issued a notice of intent to deny (NOID) on March 13, 2003, giving the applicant 30 days to provide evidence that he had resided in the United States continuously since February 13, 2001, and been physically present in the United States from March 9, 2001, to the date of filing his application, as well as police clearances from every city he had lived in since arriving in the United States and a copy of the certified final court disposition(s) of any arrests he had in the United States.

On May 10, 2003, the TPS application was denied by the director, who found that the applicant had submitted proof in response to the NOID of his residence and physical presence in the United States from the respective dates cited above, but that he had failed to submit the requested police clearance[s] and the court disposition of an arrest in Yuma, Arizona on March 21, 2002, which resulted in three charges against the applicant (for aggravated assault with serious physical injury, endangerment, and failure to stay at the scene). Upon review of the record, the Chief, AAO, concurs with the director's decision.

The applicant filed the current Form I-821 on March 23, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on June 20, 2005, 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. Therefore, he is not eligible to re-register for TPS. Consequently, 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 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.