



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: California Service Center

Date: FEB 28 2007

[WAC 05 186 70028]

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.

for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is stated 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 TPS application on April 10, 2001, under CIS receipt number SRC 01 175 55338. The Texas Service Center director denied the application, on October 25, 2004, because the applicant failed to respond to a request for evidence to establish her eligibility for TPS. The director noted that the applicant failed to respond within 30 days, to an August 30, 2004 request to submit evidence to establish her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001; and evidence to establish her nationality and identity. The director considered the application abandoned. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 4, 2005, under CIS receipt number WAC 05 186 70028, and indicated that she was re-registering for TPS.

The director denied that application on August 13, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for TPS re-registration.

On appeal, the applicant re-asserts her eligibility for TPS as she has been residing in the United States since December 2000, and states that she recalls sending the evidence requested, and will supplement her appeal after she receives information from her Freedom of Information Privacy Act Request (FOIA). The record reflects that the applicant subsequently submitted additional evidence. Therefore, the record is considered complete.

With her appeal and supplemented submission, in an attempt to establish eligibility for TPS, the applicant provided photocopies of:

1. A Freedom of Information Privacy Act Request (FOIA) – Form G-639;
2. A Texas Liability Insurance Card, issued by Allstate Property and Casualty Insurance Company, showing automotive insurance coverage effective November 28, 2000 through May 28, 2001. for [REDACTED]
3. A Texas Department of Public Safety Temporary Permit, issued February 19, 1999;
4. A Texas Department of Public Safety Identification Card, issued February 8, 1999;
5. A Texas Department of Public Safety Driver License, that expired December 1, 2005;
6. A Western Union money order receipt, dated August 16, 2003, payable to "US INS";
7. Copies of TPS applications, Form I-821, and Application for Employment Authorization, Form I-765, dated 2003, and 2005;
8. An Application for Travel Document, Form I-131, dated 2005;
9. A Dolex Dollar Express money transfer receipt, dated February 3, 2005;
10. A Dolex Dollar Express money order, dated February 3, 2005, payable to "Department of Homeland Security";

11. A Social Security Card, and an Employment Authorization Card that expired September 9, 2005;
12. A medical necessity statement signed by [REDACTED], dated February 26, 2004, indicating the need for the applicant's immediate presence in El Salvador;
13. A Bank of America Fax cover sheet, dated February 26, 2004; and
14. A CIS Denial Notice, dated August 19, 2005.

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. 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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish her nationality and identity. The applicant has furnished a copy of a birth certificate and English translation; however, she has not submitted a national identity document from her country bearing a photograph and or/fingerprint. The birth certificate alone is insufficient to establish the applicant's identity and nationality under the provision of 8 C.F.R. § 244.9(a)(1). Therefore, the application must 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.