



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



ML

FILE: [REDACTED]
[WAC 05 209 80514]

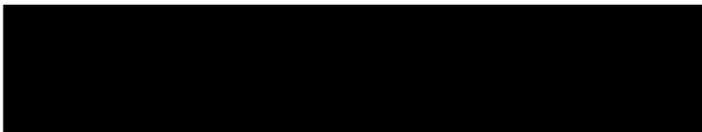
Office: CALIFORNIA SERVICE CENTER

Date: JAN 05 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:



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, and is now before the Administrative Appeals Office (AAO) on appeal. 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 a TPS application during the initial registration period under CIS receipt number EAC 01 171 53259. The Director, Vermont Service Center, denied that application on August 20, 2002, due to abandonment, because the applicant failed to respond to the director's request for evidence. The applicant filed a motion to reopen on September 9, 2002. The Director dismissed the motion to reopen on November 14, 2002.

The applicant filed a second TPS application subsequent to the initial registration period under CIS receipt number EAC 04 072 51994. The Director, Vermont Service Center, denied that application on July 22, 2004, because the applicant had failed to establish her eligibility for TPS. The applicant filed an appeal on August 25, 2004, which the director treated as a motion to reopen due to it having been untimely filed. The Director dismissed the motion to reopen on October 28, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 27, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application 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. 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 applicant has failed to submit sufficient evidence to establish her continuous residence since February 13, 2001, and continuous physical presence since March 9, 2001, in the United States as described in 8 C.F.R. § 244.2(b) and (c).

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.