



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**  
**identifying data deleted to**  
**prevent clearly unwarranted**  
**invasion of personal privacy**

*MI*



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER  
[WAC 05 224 89430]

Date:  
**JAN 19 2007**

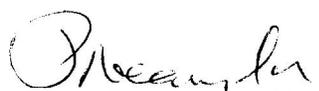
IN RE: Applicant: [REDACTED]

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.

  
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 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 Citizenship and Immigration Services (CIS) receipt number WAC 02 229 54900. The record revealed the following offenses:

1. On July 15, 1992, the applicant was convicted in the Municipal Court, Los Angeles Metropolitan Branch, County of Los Angeles, State of California, of battery on non-cohabitant or former spouse in violation of section 243(e) PC, a misdemeanor. (Date of Arrest: June 24, 1992; Case No. [REDACTED])
2. On November 10, 1992, the applicant was convicted in the Municipal Court, Los Angeles Metropolitan Branch, County of Los Angeles, State of California, of driving under the influence of alcohol with a blood alcohol content of 0.08% or greater in violation of section 23152(b) VC, a misdemeanor. (Date of Arrest: October 17, 1992; Case No. [REDACTED])
3. On June 18, 1996, the applicant was convicted in Municipal Court, Los Angeles Metropolitan Branch, County of Los Angeles, State of California, of one count of inflicting corporal injury on a spouse in violation of section 273.5(a) PC, a misdemeanor. (Date of Arrest: June 14, 1996; Case Number [REDACTED])
4. On January 22, 1997, the applicant was convicted in the Los Angeles Beverly Hills Municipal Court, County of Los Angeles, State of California, of one count of driving on a suspended or revoked license in violation of section 14601.1 VC, a misdemeanor. (Date of Arrest: May 30, 1996; Case Number [REDACTED])
5. On February 22, 2002, the applicant was convicted in the Superior Court of California, County of Los Angeles, of one count of public intoxication in violation of section 647(f) PC, a misdemeanor. (Date of Arrest: December 16, 2001; Case Number [REDACTED])

The director denied the application on January 7, 2004, because he found that the applicant had been convicted of two or more misdemeanors. On December 17, 2004, the Director (now Chief) of the AAO dismissed the applicant's appeal from the denial decision, finding that the applicant had not overcome the basis for the denial of the application.

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

Beyond the decision of the director, the applicant is statutorily ineligible for TPS due to his record of five misdemeanor convictions, detailed above. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). There is no waiver of this ground of ineligibility. Therefore, the application also must be denied for this reason. It is noted that any further TPS applications filed by the applicant will also be denied for this reason.

It is further noted that an Immigration Judge in Los Angeles, California, ordered the applicant removed to El Salvador on May 21, 1998. On April 12, 2002, the Board of Immigration Appeals dismissed the applicant's appeal from the Immigration Judge's order. There is no indication in the record that a warrant of removal was ever issued in this case.

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.