

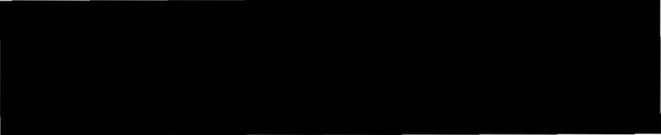


U.S. Citizenship  
and Immigration  
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FILE: [REDACTED]  
[WAC 05 225 88610]

Office: CALIFORNIA SERVICE CENTER

Date:  
**JAN 19 2007**

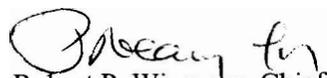
IN RE: Applicant: [REDACTED]

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 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 Citizenship and Immigration Services (CIS) receipt number WAC 01 276 58492. The applicant's Federal Bureau of Investigation (FBI) fingerprint results report revealed the following offenses:

1. The applicant was arrested in Inglewood, California, on October 31, 2001, and charged with inflicting corporal injury on a spouse or cohabitant.
2. The applicant was arrested in Los Angeles, California, on October 16, 2003, and charged with one count of driving under the influence of alcohol and one count of failure to appear after written promise.

On January 28, 2004, the applicant was requested to provide the final court disposition of his arrests. The record does not contain a response from the applicant.

The director denied the application on April 27, 2004, after determining that the applicant had abandoned his application by failing to respond to the request for additional evidence. After a review of the record, the Chief, AAO, concurs with the director's denial decision.

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, it is noted that the applicant, on appeal from the re-registration denial, has provided the final court disposition of the offense detailed in No. 2 above. The court document reveals that the

applicant was arrested in Los Angeles, California, on October 16, 2003, and charged with one count of driving under the influence of alcohol in violation of section 23152(a) VC and one count 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. The applicant was convicted of both charges in the Superior Court of California, County of Los Angeles, on November 13, 2003. The applicant is ineligible for TPS due to his record of two misdemeanor convictions, detailed in No. 2 above. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). It is further noted that the applicant has failed to provide the final court disposition of the arrest detailed in No. 1 above. The applicant is also ineligible for Temporary Protected Status because of his failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a). Therefore, the application also must 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.