



U.S. Citizenship  
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FILE: [REDACTED]  
[WAC 05 217 73928]

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:



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 CIS receipt number WAC 01 282 60689. The director denied that application on March 8, 2004, due to abandonment because the applicant failed to appear for his fingerprint appointment or request another opportunity to be fingerprinted. The director informed the applicant that there is no appeal from a denial due to abandonment, but he could file a motion to reopen his case within 30 days of the issuance of the denial decision. The applicant did not file a motion to reopen his case. 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 5, 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).

It is noted that the applicant's 2005 fingerprint results report revealed the following offenses:

1. On July 16, 2003, the applicant was arrested in Costa Mesa, California, and charged with one count of arson causing great bodily injury.
2. On August 15, 2003, the applicant was arrested in Santa Ana, California, and charged with one count of arson, property, and one count of false insurance claim, vehicle theft.
3. On March 27, 2004, the applicant was arrested in Santa Ana, California, and charged with one count of arson, property, and one count of false insurance claim, vehicle theft.

These offenses must be addressed in any further proceeding before CIS.

It is further noted that the record indicates that the applicant apprehended by the United States Border Patrol on August 1, 1996, near Harlingen, Texas, after having entered the United States without inspection. The applicant was placed in removal proceedings, and on September 8, 1997, an Immigration Judge in Los Angeles, California, denied the applicant's asylum application and granted the applicant the privilege of voluntary departure from the United States on or before July 4, 1998, with an alternate order of removal if the applicant failed to comply with the grant of voluntary departure. The applicant did not depart the United States on or before September 8, 1997 as ordered, and the record contains an outstanding warrant of removal issued by the District Director, Los Angeles, on July 13, 1998.

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.