



U.S. Citizenship  
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FILE: [REDACTED] Office: California Service Center Date: **JUL 05 2007**  
(incorporating [REDACTED]  
[WAC 05 208 87193])

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 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 an initial TPS application on April 9, 2001, under CIS receipt number EAC 01 174 51155. The Director, Vermont Service Center, denied that application due to abandonment, on May 16, 2002, because the applicant failed to respond, within 12 weeks, to a December 31, 2001 request to submit evidence to establish her continuous residence, her continuous physical presence, and documentation showing that [REDACTED], and [REDACTED] are the same person. 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 reflects that the applicant filed a late motion to reopen on May 20, 2003. The record does not reflect a decision on that motion.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, under CIS receipt number WAC 05 208 87193, and indicated that she was re-registering for TPS. The director, California Service Center, denied that application on February 8, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant asserts that she is eligible for TPS. She states also that she submitted the document requested to CIS with her late motion to reopen. With her appeal, the applicant submits photocopies of TPS applications, Applications for Employment Authorization, I-765, and related CIS receipt notices.

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 also noted that the record reveals that the applicant (under the name [REDACTED] [REDACTED]) was apprehended on entry by the Border Patrol, Progreso, Texas, placed in Removal Proceedings, and ordered removed to El Salvador, on May 8, 2001, by the Immigration Judge.

Also, as noted above, the applicant filed a late motion to reopen on May 20, 2003 and the record does not reflect a decision on that motion. CIS must address this late motion to reopen.

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.