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U.S. Citizenship
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FILE:

[REDACTED]

Office: California Service Center

Date:

JUL 05 2007

[WAC 05 212 72745]

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:

[REDACTED]

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 an initial TPS application on June 20, 2001, under CIS receipt number WAC 01 242 57912. The director denied the application for abandonment, on April 21, 2004. The director noted that the applicant failed to submit the final court disposition of an arrest as requested. In a subsequent appeal, the Director (now Chief) Administrative Appeals Office (AAO) dismissed the appeal. The AAO noted that while the applicant responded to the director's request, and therefore, did not abandon her application, the applicant did not submit the requested court disposition to establish her eligibility for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 30, 2005, under CIS receipt number WAC 05 212 72745, and indicated that she was re-registering for TPS. The director denied that application on May 9, 2006, because the applicant's prior TPS application had been denied and the applicant was ineligible for re-registration for TPS.

On appeal, the applicant states that she did not receive notice that her TPS application was denied in April 2004, and that she is eligible for TPS as she entered the United States on February 2, 1990. The applicant does not submit any additional evidence on appeal. The record reflects, however, that the applicant filed a timely appeal of the denial of her initial TPS application; therefore, the applicant's claim that she did not receive the initial denial notice, is without merit.

The applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2).

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.

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.