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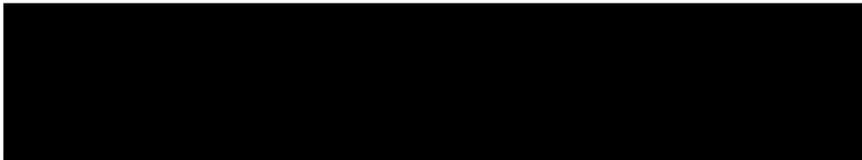
Office: CALIFORNIA SERVICE CENTER

Date: JUL 09 2007

[WAC 05 146 75885]

IN RE:

Applicant:



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 California Service Center. 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 native and 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number EAC 01 170 51280 during the initial registration period. The Director, Vermont Service Center, denied that application on July 29, 2002, after determining that the applicant had failed to submit the court disposition for his January 26, 1992 arrest for willful cruelty to a child.

A subsequent appeal was dismissed by the Director, AAO, on January 30, 2003, who found that based upon additional evidence submitted for the record, the applicant is ineligible for TPS because he has been convicted of a felony and three misdemeanors. The AAO Director noted that the applicant had not submitted court dispositions for his additional arrests on December 7, 1990 for burglary and on January 26, 1992 for inflicting injury upon a child.

The applicant filed a subsequent Form I-821 on February 23, 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 an alien is filing a re-registration application, 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.

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.

In removal proceedings held on October 7, 1999, an Immigration Judge in San Antonio, Texas, ordered the applicant deported "in absentia" to El Salvador. It is further noted that the record contains an outstanding Form I-205, Warrant of Removal/Deportation, issued by the District Director of the San Antonio, Texas, office of Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service) on January 19, 2000.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited 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.