



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 243 72451]

Date:
JUL 09 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:
[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 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 EAC 04 053 51767. The Director, Vermont Service Center, denied that application on January 27, 2005, because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods, or to provide the final dispositions for arrests listed on her criminal record. 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 31, 2005. However, the applicant's initial application had been denied, and thus the director denied this application as an annual re-registration.

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's initial application for TPS has been denied. Once denied, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application for this reason will be affirmed.

A review of the record reveals that the application was denied for failure to provide the final disposition for charges on the applicant's criminal record. An applicant that has been convicted of any felony or two or more misdemeanors in the United States is not eligible for TPS. *See* Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). The final disposition of the charges against the applicant is a material line of inquiry. Failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying an application. 8 C.F.R. § 103.2(b)(14). The applicant is ineligible for Temporary Protected Status because of her failure to provide information necessary for the adjudication of his application. 8 C.F.R. § 244.9(a).

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.