



U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 118 75863]

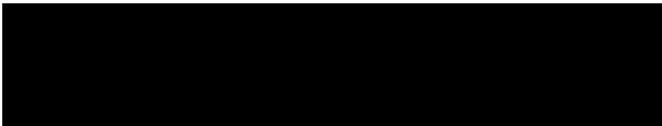
Office: CALIFORNIA SERVICE CENTER

Date: JUL 12 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:



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 01 192 54426 during the initial registration period. The Director, Vermont Service Center (VSC), initially denied the application on August 29, 2002 after determining that the applicant had abandoned his application by failing to submit requested court documentation relating to his criminal record. On motion, the applicant stated that he never received a notice requesting additional evidence. The VSC Director reopened the case and denied the application on July 7, 2004, because the applicant had failed to submit requested court documentation relating to his criminal record. A subsequent appeal was dismissed by the Director, AAO, on October 3, 2005.

The applicant filed a subsequent Form I-821 on January 26, 2005. The director denied the Form I-821 as a re-registration request 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.

There is an indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. On appeal, counsel argues that the applicant is eligible for late initial registration because [REDACTED] spouse has been approved for TPS. Counsel submits a copy of the couple's marriage certificate and her Form I-766, Employment Authorization Card valid from August 5, 2005 until September 9, 2006.

A copy of the applicant's marriage certificate indicating that he married [REDACTED] in the Commonwealth of Massachusetts on June 26, 2004. In order to be eligible for late registration, the qualifying relationship must have existed during the initial registration period. 8 C.F.R. § 244.2(f)(2). Since the applicant was not the spouse of an alien currently eligible to be a TPS registrant during the initial registration period, he is not eligible for late registration for that reason. 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).

Furthermore, in removal proceedings held on August 3, 1999, an Immigration Judge (IJ) in San Francisco, California, ordered the applicant deported "*in absentia*" to El Salvador. The applicant evidently deported himself by leaving the United States after the IJ's August 3, 1999 order, because his on his initial Form I-821, he stated that he entered the United States on February 22, 2000, without inspection at Brownsville, Texas. 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 Francisco, California, office of Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service) on July 24, 2001.



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.