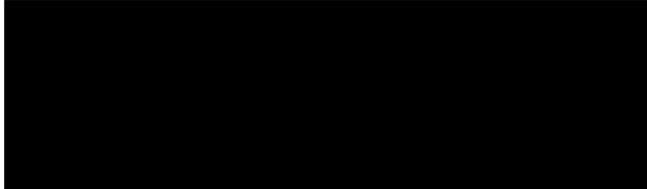




U.S. Citizenship
and Immigration
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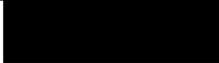
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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: JUL 30 2007

[WAC 05 165 71123]

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 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 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 record reveals that the applicant filed a TPS application during the initial registration period on March 19, 2001, under receipt number WAC 01 229 54209. The director denied that application based on abandonment on January 16, 2004, because the applicant had failed to respond to a request dated June 9, 2003, to submit the final court dispositions of all of his arrests, including the arrest listed on the Federal Bureau of Investigation fingerprint results report indicating that on May 12, 2000, in Santa Ana, California, the applicant was arrested for driving under the influence of alcohol/drugs. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 4, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on July 27, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant states that he was never informed that his TPS application had been denied. He states that he needs 90 days to submit a brief and/or evidence because he had requested a copy of his file under the Freedom of Information Act (FOIA). It has been approximately two years, however, and the file contains no further response from the applicant. Therefore, the record shall be considered complete.

A review of the record of proceeding indicates that the director's request for evidence dated June 9, 2003, and the director's notice of denial dated January 16, 2004, were both mailed to the applicant's most recent address at that time ([REDACTED]). There is no evidence in the record that the applicant had advised CIS of a change of his address, nor is there evidence that the notices were returned to CIS as undeliverable.

The applicant is filing the current TPS application as a re-registration; therefore, 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, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The record indicates that in removal proceedings held on December 17, 1996, in Los Angeles, California, the Immigration Judge denied the application for asylum and for withholding of deportation, and granted the applicant voluntary departure on or before January 16, 1997, with an alternate order of deportation to El Salvador. The applicant failed to depart as required; therefore, Form I-205, Warrant of Deportation, was issued on February 25, 1997.

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.