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U.S. Citizenship  
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Services

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FILE: [REDACTED] Office: California Service Center Date: MAR 01 2007  
[WAC 05 116 74467]

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: 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 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 April 11, 2001, under CIS receipt number WAC 01 239 60633. The Texas Service Center Director denied that application for abandonment, on March 31, 2004. The director noted that the applicant had failed to respond, within 90 days, to an October 15, 2003, request for evidence to provide evidence to establish his continuous physical presence from March 9, 2001, to the date of filing his TPS application. A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not indicate that the applicant filed a motion to reopen or reconsider.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 24, 2005, under CIS receipt number WAC 05 116 74467, and indicated that he was re-registering for TPS.

The director denied the re-registration application, on February 1, 2006, as the applicant's initial application had been denied and he was not eligible to apply for re-registration for TPS.

On appeal, the applicant reasserts his eligibility for TPS, and states that he entered the United States on July 11, 2000. With the appeal, the applicant submits photocopies of: the biographic page of his passport, and a passport page with a U.S. visa issued in San Salvador on July 11, 2000, and indicating that he entered the United States at Miami on July 13, 2000; a California identification card, issued on January 10, 2001; and four Employment Authorization Cards, with expiration dates of September 9, 2002; December 6, 2003, March 9, 2005, and September 9, 2006. It is noted that the request for evidence was mailed to the applicant's last known address and was not returned as undeliverable.

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, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.