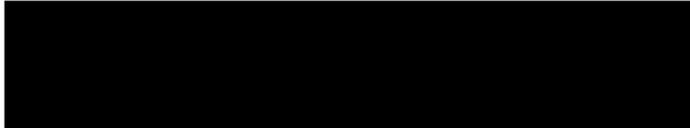


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FILE: [REDACTED] Office: California Service Center Date: **MAR 01 2007**  
[WAC 05 208 78882]

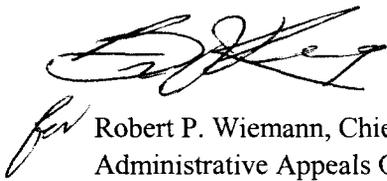
IN RE: Applicant: [REDACTED]

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.

  
for 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 stated 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 an initial TPS application on May 31, 2002, under CIS receipt number SRC 02 189 55510. The Texas Service Center director denied that application, on February 18, 2005, because the applicant failed to appear for fingerprinting. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13). 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 reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, under CIS receipt number WAC 05 208 78882, and indicated that he was re-registering for TPS. The director denied that application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible for re-registration for TPS.

The record reveals that with his initial TPS application, the applicant submitted: an El Salvador birth certificate with an English translation; a certificate (in Spanish) from the Ministerio De Educacion; a Middle School grade report for the period ending May 31, 2000 showing that the applicant enrolled on November 8, 1999; a progress report for the period August 20, 2001 to September 7, 2001; a grade report for the period December 16, 1999; a city of Houston Health Department Return to Work Form or School, dated November 3, 1999; and a vaccination record indicating vaccinations in El Salvador, and in Texas. The record contains a Texas photo identification card and a Social Security card.

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.

In addition, the applicant has not submitted sufficient evidence to establish his continuous physical presence since March 1, 2001, to the date of filing the TPS application, May 19, 2002. It is noted that the record of proceeding does not contain any evidence for the period from September 2001 to the May 19, 2002. Therefore, the application will also be denied for these reasons.

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.