



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[WAC 05 214 73948]

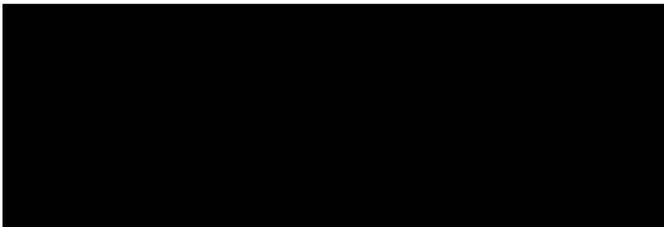
Office: CALIFORNIA SERVICE CENTER

Date: MAR 02 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 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 Citizenship and Immigration Services (CIS) receipt number SRC 02 157 55078. The director denied that application on May 24, 2004, because the applicant failed to appear for his fingerprinting appointment and, therefore, had abandoned his application. 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 2, 2005 and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was therefore not eligible to apply for re-registration under 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 had 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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, 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).

Finally, the record indicates that the applicant was arrested on two different occasions. On April 3, 2004, he was charged in Dardanelle, Arkansas, with Driving while Intoxicated, Leaving the Scene of an Accident, Driving off the Roadway, and No Liability Insurance. On December 21, 2004, he was charged in Dardanelle, Arkansas, with Breaking or entering, Criminal Mischief and Theft of Property.

Since there are no final court dispositions in the record regarding these crimes, the AAO is unable to render a decision on how they affect his TPS application. These offenses must be addressed in any further immigration proceedings.

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.