



U.S. Citizenship
and Immigration
Services

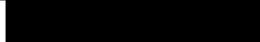
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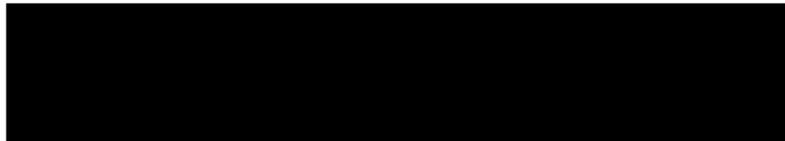
Office: CALIFORNIA SERVICE CENTER

Date MAR 02 2007

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IN RE:

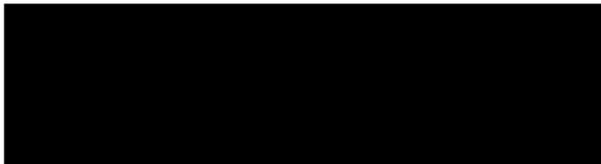
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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 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 a TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number LIN 01 191 50515. The Director, Nebraska Service Center, denied that application on December 3, 2001, due to abandonment because she failed to submit documents in response to a Request for Evidence (RFE). The applicant filed a motion to reopen on February 1, 2002 and stated that she sent her response to the RFE. The director reopened the case and mailed another RFE to the applicant on August 22, 2002. However, the director denied the application on January 18, 2003, because the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The applicant also filed another TPS application under CIS receipt number LIN 05 009 50341. This application was also denied by the director on April 20, 2005. After a review of the record, the Chief, AAO, concurs with the director's denial decisions.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 3, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application on September 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.

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, she 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).

An alien applying for TPS 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.