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FILE: [REDACTED]
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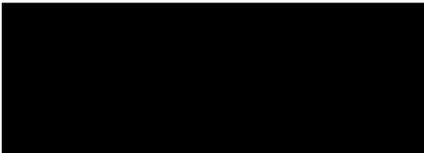
Office: CALIFORNIA SERVICE CENTER

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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 stated to be 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, during the initial registration period. The director denied that application on September 17, 2002, after determining that the applicant had failed submit court dispositions for two driving under the influence arrests in Florida. Although the applicant was granted 30 days to appeal the decision, he failed to do so. After review of the record, AAO affirms the director's denial.

The applicant filed the current Form I-821 on February 16, 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 not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, 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.

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.

It is noted for the record that the applicant has provided insufficient evidence to establish that he is a national or citizen of El Salvador. He has provided a copy of his purported birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

Furthermore, on February 27, 1996, the applicant filed a Form I-589, Request for Asylum and for Withholding of Deportation. At that time he claimed to have been born in Guatemala and to be a national of Guatemala. In removal proceedings held on May 10, 1996, an Immigration Judge in Miami, Florida, ordered the applicant deported "in absentia" to Guatemala. It is further noted that the record contains an outstanding Form I-205, Warrant of Removal/Deportation, issued by the District Director of the Miami, Florida, office of Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service) on October 21, 1998. To date, the applicant has submitted birth certificates for himself from two countries and has not established that he is a national of either country.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited 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.