



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

MI

[REDACTED]

MAR 02 2007

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 214 76232]

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:

[REDACTED]

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 (CSC), 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 01 184 51311. The Director, Nebraska Service Center (NSC), denied that application on November 20, 2001, because the applicant had failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The applicant also filed applications for annual registration/re-registration or renewal of temporary treatment benefits on March 5, 2002 (SRC 02 121 53837), and September 9, 2002 (SRC 02 271 50002). These applications were denied by the NSC director on January 7, 2004, because the applicant failed to submit evidence that he had resided in the United States from March 9, 2001, until the date of filing of his application. 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 May 2, 2005, and indicated that he was re-registering for TPS.

The CSC director denied the re-registration application on September 30, 2005 because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed his current appeal from that decision on October 18, 2005.

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.

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 August 29, 2001 in Springdale, Arkansas, and charged with Theft of Property / Shoplifting. In any future proceedings before CIS, the applicant must submit evidence of the final court disposition of this arrest and any other charges against him.

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.