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FILE: [REDACTED]  
[WAC 05 221 86218]

Office: CALIFORNIA SERVICE CENTER

Date: MAR 02 2007

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: 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.

  
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 01 219 54653. The Director, Houston District Office, denied that application on March 26, 2004, because he found the applicant ineligible for TPS because he had been convicted of two or more misdemeanors committed in the United States. 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 9, 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.

On appeal, the applicant claims that he does not understand why his application was denied because the decision did not specify the exact reason. He further argues that he always did what CIS asked for such as fingerprints, renewals, payments and any kind of request.

A review of the record reveals that the applicant was convicted on February 18, 1999, in Harris County, Texas of Theft, and sentenced to two days confinement. On March 4, 1999, he was also convicted in Harris County, Texas, of Burglary of a Vehicle and sentenced to 40 days confinement.

The applicant was placed under removal proceedings on May 7, 1999. He was ordered removed *in absentia* by an Immigration Judge in Houston, Texas, after he failed to appear for his scheduled removal hearing on September 16, 1999. A Warrant of Removal/Deportation for the applicant was issued by the director of the Houston District Office on April 27, 2000. As stated above, the applicant's initial TPS application was denied because he was ineligible for TPS due to his conviction of two or more misdemeanors committed in the United States.

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).

Beyond the decision of the director, the applicant is ineligible for TPS due to his record of two misdemeanor convictions. Therefore, the application must also be denied for this reason.

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.