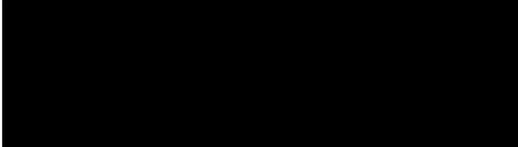




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy**



FILE:



Office: California Service Center

Date: MAR 05 2007

[WAC 05 126 76753]

IN RE:

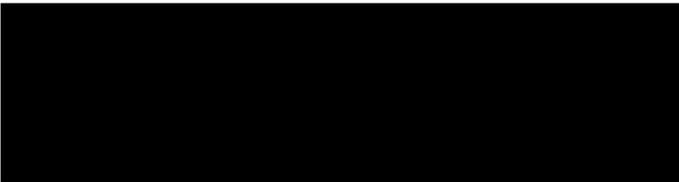
Applicant:



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 on appeal. The appeal will be dismissed.

The applicant is stated 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 an initial TPS application on May 21, 2001, under CIS receipt number SRC 01 213 56199. The Texas Service Center director denied that application on July 27, 2004, because the applicant failed to appear for fingerprinting, on March 22, 2004, as requested by the director. The director, therefore, considered that application abandoned and denied the application. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen or reconsider.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 3, 2005, under CIS receipt number WAC 05 126 76753, and indicated that he was re-registering for TPS.

The director denied the re-registration application, on January 2006, 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, counsel asserts the applicant's eligibility for TPS, and states the applicant has only one conviction for driving without a license. With the appeal, in an attempt to establish his continuous residence in the United States and his continuous physical presence, the applicant's counsel submits various photocopies of the applicant's Employment Authorization Card, and Individual Income tax Returns, Form 1040, for the applicant for the years 2001, 2002, 2003, and 2004, with attachments.

However, 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.

It is also noted that the record reveals that the applicant was placed in Removal Proceedings, and ordered removed, on July 20, 1995, by an Immigration Judge.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.