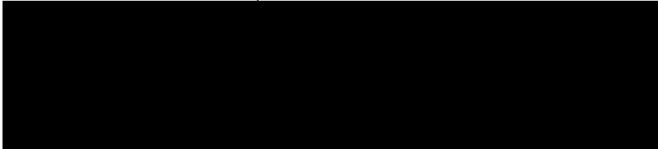




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
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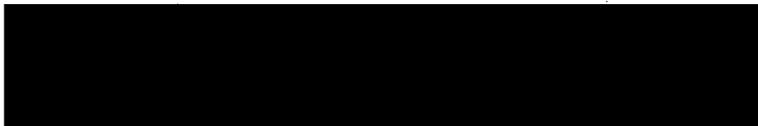
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FILE: [REDACTED]
[WAC 05 210 84629]

Office: CALIFORNIA SERVICE CENTER

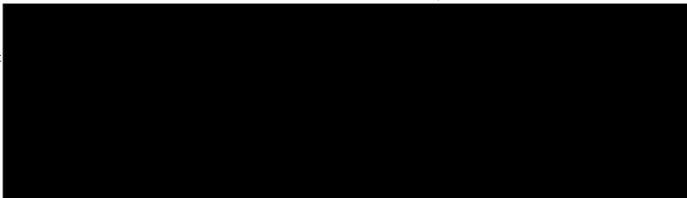
Date:

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 WAC 01 165 50721. The director denied that application on May 18, 2004, due to abandonment because the applicant failed to appear for a fingerprinting appointment. 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 March 17, 2006, 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 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.

On appeal, the applicant's representative argues that the notice of decision and fingerprinting appointment were never received. However, the record reveals that both notices were mailed to the applicant's address of record at that time. The record also shows that this address is the business location of Del Valle Services, a business establishment that helped the applicant to prepare his applications.

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).

It is noted that as a result of being fingerprinted in connection with this application, CIS received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant was charged on April 10, 2005, in Bentonville, Arkansas, under the alias of [REDACTED], with one count each of (1) Viol of Omnibus DWI Act; (2) No Driver's License; (3) Reckless Driving; and, (4) Oper Motor Vehicle W/O Liability Coverage. The report further indicates that he was charged on July 23, 2005, in Springdale, Arkansas, with Domestic Battering – 3rd degree. In any future proceedings before CIS, the applicant must submit evidence of the final court dispositions of these 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.