

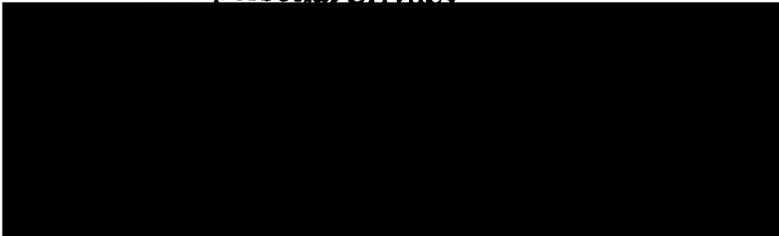


U.S. Citizenship
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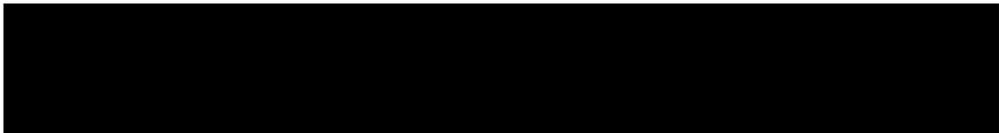
[WAC 05 146 73064]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: MAR 26 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 on appeal. The appeal will be dismissed.

The applicant is 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 record indicates that the applicant filed a TPS application during the initial registration period on May 19, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 160 51578. The director denied that application based on abandonment on September 5, 2002, because the applicant had failed to respond to a request to submit photo identification to establish his identity. On October 15, 2003, the applicant filed a motion to reopen his case. The director dismissed the motion on December 2, 2003, because the motion was not filed within 30 days of the denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 23, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on August 16, 2005, 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 asserts that the director's decision is incorrect. He states that his motion to reopen (filed on October 15, 2003) has not been decided. As noted above, however, the director had issued a decision on the motion to reopen on December 2, 2003; therefore, the motion was not pending on the date the director denied the re-registration application on August 16, 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.

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.