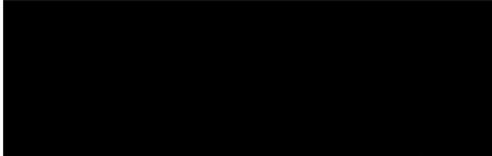


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prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[WAC 05 208 85161]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: MAR 26 2007

IN RE: Applicant:

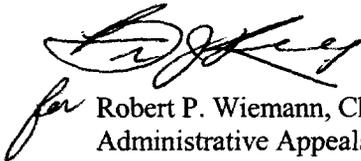


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for 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 claims to be 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 reveals that the applicant filed a TPS application during the initial registration period on August 21, 2002, under Citizenship and Immigration Services (CIS) receipt number WAC 02 263 51865. The director denied that application on September 25, 2004, after determining that the applicant had abandoned her application based on her failure to appear for fingerprinting on March 19, 2004. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, and indicated that she 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 she never received any notice from CIS notifying her of her ineligibility for TPS or requesting any type of information or appearance. A review of the record of proceeding, however, shows that the request to appear for fingerprinting dated March 19, 2004, and the director's denial decision dated August 16, 2005, were both mailed to the address provided by the applicant ([REDACTED]).

[REDACTED] There is no evidence that the notices were returned to CIS as undeliverable.

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, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

It is noted that the record indicates that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation fingerprint results reports dated May 26, 2005 and April 24, 2006, do not reflect a criminal record that would bar the applicant from receiving TPS. However, the applicant furnished insufficient evidence to establish continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, as described in 8 C.F.R. § 244.2(b) and (c). Therefore, the application also must be denied for this reason.

Additionally, it is noted that the applicant submitted a copy of an El Salvadoran passport issued in Los Angeles, California, on September 7, 2005, under the name of [REDACTED]. She also submitted a copy of an El Salvadoran birth certificate under the name of [REDACTED]. It is not clear in the record if these two individuals are one and the same person. The applicant indicated on the initial TPS application and the re-registration application that her marital status is "single," and she did not list the name of a spouse.

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.