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U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: California Service Center

DATE:

MAR 29 2007

[WAC 05 210 84667]

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC). It is now on appeal before the Administrative Appeals Office (AAO). 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 an initial Form I-821, Application for Temporary Protected Status, at the Vermont Service Center (VSC) on August 25, 2004 under Citizenship and Immigration Services (CIS) receipt number EAC 04 244 51297. The VSC director denied that application on December 21, 2004, because the applicant failed to establish her eligibility for late registration. An appeal from that decision was dismissed by the AAO on February 9, 2006.

The applicant filed the current TPS application at the CSC on April 28, 2005. The CSC director denied the second Form I-821 as a re-registration application on April 24, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS. The applicant filed a timely appeal, but has submitted no further evidence.

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. *See* 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. Nor is there any 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). Accordingly, the director's decision to deny the application will be affirmed.

An alien applying for Temporary Protected Status, or 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.