

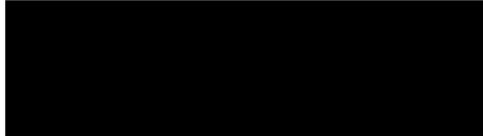
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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: MAY 07 2007

[WAC.05 215 80793]

IN RE:

Applicant:



APPLICATION:

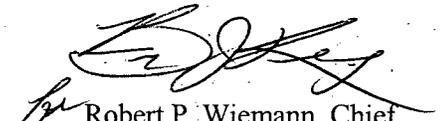
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 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 March 29, 2001, under receipt number WAC 01 167 55008. The director denied that application based on abandonment on May 6, 2004, because the applicant had failed to respond to a request dated March 2, 2004, to submit: (1) evidence to establish continuous residence in the United States since February 13, 2001, and continuous physical presence from March 9, 2001, to the date of filing the application; (2) evidence to establish her nationality and identity; and (3) the final court dispositions of all of her arrests, including her arrest on September 30, 2003, for petty theft. 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 May 3, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application on March 6, 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, the applicant indicates that she needs 120 days to submit a brief and/or evidence because she is requesting a Freedom of Information Act (FOIA) to see why she never received any type of requests or appointments that would cause a denial of her TPS application. It has been well over one year, however, and the file contains no further response from the applicant. Therefore, the record shall be considered complete.

A review of the record of proceeding indicates that the request for additional evidence dated March 2, 2004, and the director's notice of decision to deny the initial application dated May 6, 2004, were both mailed to the applicant's address at that time. There is no evidence in the record that the applicant had advised the Service Center of a change of her address, nor is there 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.

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.