



U.S. Citizenship
and Immigration
Services

M/

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: MAY 07 2007
[WAC 05 126 74837]

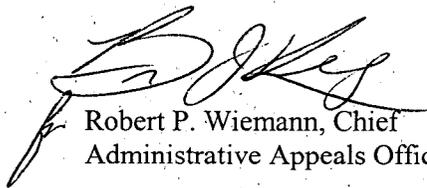
IN RE: Applicant: [REDACTED]

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 16, 2001, under receipt number WAC 01 157 52566. The director denied that application based on abandonment on January 16, 2004, because the applicant had failed to respond to a request dated June 16, 2003, to submit evidence to establish his identity. 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 February 3, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on July 8, 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 denial decision of the initial application was never mailed to him, and that he learned of this decision upon denial of his re-registration application. The applicant submits additional evidence in an attempt to establish residence and physical presence in the United States.

A review of the record of proceeding, however, shows that the request for additional evidence dated June 16, 2003, was mailed to the applicant's most recent address provided at that time [REDACTED]. Additionally, the director's notice of decision to deny the initial application dated January 16, 2004, was mailed to the applicant's most recent address provided at that time [REDACTED]. There is no evidence that the notices were returned to the Service Center 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, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The record contains a Warrant of Removal/Deportation, Form I-205, issued in Los Angeles, California, on August 7, 2006, based on the final order of removal by an Immigration Judge on July 27, 2006.

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.