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**U.S. Citizenship  
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[REDACTED]

FILE: [REDACTED]  
[WAC 05 162 74569]

Office: California Service Center

Date: **MAY 10 2007**

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:

[REDACTED]

**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. Wiemanh, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is 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 a TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 01 200 55296. The Director, Texas Service Center (TSC), denied the application on March 4, 2003, due to abandonment because the applicant failed to respond to a request for evidence in order to establish her eligibility for TPS. On February 2, 2004, the applicant filed a motion to reopen with the TSC director which was dismissed on March 23, 2004. The applicant filed a second motion to reopen with the AAO on April 29, 2004. That motion is being rejected by the AAO under separate cover.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 11, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no 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).

A review of the record of proceedings reflects that the applicant was apprehended by United States Border Patrol agents near Douglas, Arizona, on March 1, 2003, while attempting to enter the United States illegally by foot. The record also reveals the applicant was removed from the United States on March 1, 2003. Therefore, the applicant could not have established her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001. 8 C.F.R. § 244.2(b) and (c). Therefore, the application will also be denied for these reasons.

Although not addressed by the director, the record of proceedings contains a Federal Bureau of Investigation report reflecting that the applicant was arrested on September 18, 1996, by the Pembroke Pines, Florida Police Department and charged with "Larceny-Grand". In any future proceedings before CIS, the applicant must submit evidence of the final court disposition of this and any other charges against her.

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.