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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]

OFFICE: California Service Center

DATE:

NOV 15 2007

[WAC 05 209 70006]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

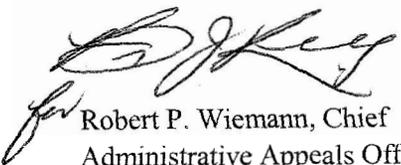
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 California Service Center. 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 (CSC). It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is a national 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, at the Texas Service Center (TSC) on May 14, 2001 [SRC 01 212 54993]. On October 1, 2004, the TSC Director denied the application on the ground that the applicant had been convicted of a crime of moral turpitude, making him ineligible for TPS under section 212(a)(2)(A)(i)(I) of the Act and 8 C.F.R. § 244.3(c). The record includes a final court disposition of the Superior Court of California, County of Los Angeles, confirming that the applicant pleaded guilty on March 12, 1991, to the felony offense of grand theft of a motor vehicle.

On February 25, 2005, the applicant filed a second Form I-821 at the CSC, which he identified as an application for annual re-registration of TPS. The application was denied by the CSC Director on September 23, 2005, on the ground that the applicant had not been granted TPS previously and was therefore ineligible to re-register for TPS. The applicant appealed on October 19, 2005, and submitted some additional documentation unrelated to his criminal conviction.

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, he is not eligible to re-register for TPS. Accordingly, the decision of the CSC Director to deny the application will be affirmed.

An alien applying for 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 that burden.

It is noted that the applicant has previously been deported to El Salvador and subsequently re-entered the United States illegally.

ORDER: The appeal is dismissed.