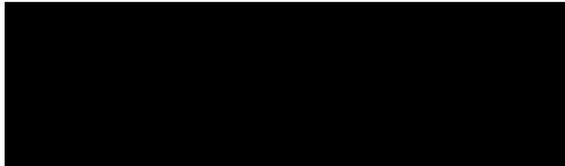




U.S. Citizenship
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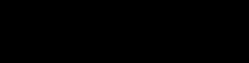
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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE:

OCT 19 2007

[WAC 05 224 84499]

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:



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 (AAO) on appeal. The appeal will be dismissed.

The applicant is 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 May 30, 2001, under receipt number WAC 01 241 56190. The director denied that application on December 16, 2003, after determining that the applicant had failed to submit requested court documentation relating to his criminal record. On January 15, 2004, the applicant filed an appeal from the denial decision. The AAO dismissed the appeal on August 12, 2005, after determining that the applicant had been convicted on August 22, 2003, of two misdemeanor offenses, and because the applicant had also failed to submit the requested final court disposition of an arrest on November 4, 2000. On September 16, 2005, the applicant filed a motion to reopen his case. That motion will be addressed in a separate decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 12, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on August 16, 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, counsel asserts that the applicant's TPS application should not have been denied because the applicant currently has a motion to reopen his TPS application that was pending and has not been adjudicated.

A review of the record indicates that the appeal of the initial TPS application was dismissed by the AAO on August 12, 2005; the director denied the present re-registration application on August 16, 2005; counsel filed a motion to reopen his initial application on September 16, 2005, one month after the denial of the re-registration application; and three days later, on September 19, 2005, counsel appealed the denial of the re-registration application. As noted above, however, that motion is being addressed in a separate decision, and simultaneous to this [re-registration] decision.

The applicant is filing the current TPS application as a re-registration; however, 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.

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.