



U.S. Citizenship  
and Immigration  
Services

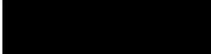
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FILE:



Office: California Service Center

Date: SEP 04 2007

[WAC 05 223 88909]

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 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, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is stated 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 an initial TPS application on May 9, 2001, under CIS receipt number SRC 01 209 56643. The Texas Service Center Director denied that application due to abandonment, on March 31, 2003, because the applicant failed to respond, within 30 days, to a January 14, 2003 notice of intent to deny to submit evidence to establish her continuous residence, and her continuous physical presence in the United States. A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 11, 2005, under CIS receipt number WAC 05 223 88909, and indicated that she was re-registering for TPS. The director denied the re-registration application on November 7, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant re-asserts her eligibility for TPS, and states that she has been in the United States since 1994, and she has sufficient evidence to establish the continuous residence and continuous physical presence requirements. With her appeal, in an attempt to establish her continuous residence and her continuous physical presence, the applicant submits evidence consisting of photocopies of: -

- 1) An Employment Authorization Card, issued in January 2003;
- 2) A Social Security Card;
- 3) A Texas Department of Public Safety Identification Card in the name [REDACTED] which expires on November 8, 2008;
- 4) An El Salvador photo identification card bearing her fingerprint;
- 5) An El Salvador birth certificate (in Spanish), with an English translation which shows the applicant's name as [REDACTED];
- 6) A Certificate of Completion, dated December 15, 1998;
- 7) A certificate, dated October 7, 1996, indicating completion of an introduction to Macintosh;
- 8) A medical invoice, dated January 20, 2001;
- 9) A Progress Report for [REDACTED] for the school year 2002 -2003; and,
- 10) Individual Income Tax Returns, Forms 1040, for 2001 and 2002.

However, 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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish continuous residence and continuous physical presence in the United States during the requisite periods. It is noted that given that the applicant claims that she has been in the United States since 1994, and that her child who lives with her

has been attending school in the United States, it is reasonable to expect that the applicant would be able to provide additional evidence for the requisite periods. Therefore, the application must also be denied for these reasons.

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.