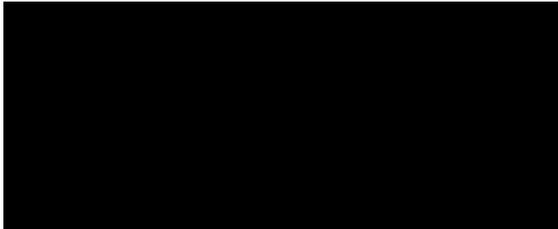


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FILE:



[WAC 05 137 71057]

Office: CALIFORNIA SERVICE CENTER

Date: SEP 20 2007

IN RE:

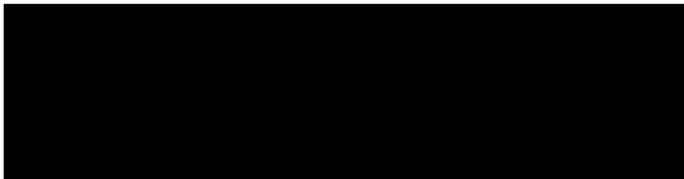
Applicant:



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.

A handwritten signature in black ink, appearing to read "Robert R. Wiemann".

Robert R. 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 claims to be 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 WAC 01 299 51063. The director denied that application on March 2, 2005, because the applicant failed to appear for her scheduled fingerprint appointment. In addition, the director also noted in his denial decision that the applicant failed to submit sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 14, 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.

On appeal, the applicant's representative asserts that the applicant has resided in the United States since May 14, 2000, and submits some additional evidence in an attempt to establish the applicant's continuous residence and continuous physical presence in the United States.

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).

It is also noted that the applicant attempted entry into the United States on May 14, 2000, at the San Luis, Texas, Port of Entry. At that time, she stated to the Immigration Inspection Officer that she is a citizen and national of Mexico, and that she was born in Puebla, Mexico. She also stated that her mother and father were born in Mexico, and that all her children are citizens of Mexico. Furthermore, the applicant had presented a valid Border Crossing Card bearing the name of [REDACTED]

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.

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ORDER: The appeal is dismissed.