



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[WAC 05 209 81099]

OFFICE: California Service Center

DATE: AUG 01 2008

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: SELF-REPRESENTED

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, 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 on September 11, 2003 under receipt number SRC 03 253 50663. On May 26, 2004, the applicant was requested to submit additional evidence establishing his eligibility for late registration and his qualifying continuous residence in the United States since February 13, 2001. The applicant was afforded twelve (12) weeks to submit the required documentation to support his TPS application. The record does not contain a response from the applicant; therefore, the Director, Texas Service Center, concluded that the applicant had abandoned his application and denied the application on August 31, 2004. The director advised the applicant that, while the decision could not be appealed, the applicant could file a motion to reopen within 30 days. The record does not reflect that the applicant filed a motion to reopen within the allotted time.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 25, 2005, and indicated that he was re-registering for TPS. The Director, California Service Center, 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, the applicant states that he has never received any notices regarding his previous TPS application or any notices requesting evidence to establish his eligibility for TPS. However, it is noted that the notice was sent to the same address as the applicant listed on his Form I-821, Application for Temporary Protected Status.

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, he 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).

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.