

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

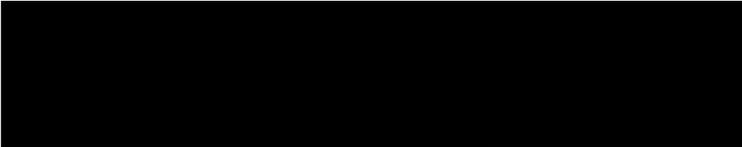
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M1



FILE: [REDACTED]
[WAC 05 198 77696]

Office: CALIFORNIA SERVICE CENTER

Date FEB 26 2008

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 that originally decided your case. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The re-registration 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.

On appeal, the applicant asserts:

I have been applying for TPS status since 1988 and I have never been denied such status. I understand that misdemeanors may represent a threat to my immigration papers but I have been doing a lot better and being more responsible in the things that I do.

A review of the applicant's file indicates that he had applied for and was granted TPS on January 23, 1992, during the 1991 TPS designation for El Salvador. However, that designation terminated on June 30, 1992. That earlier 1991 TPS designation is unrelated to the present 2001 TPS re-designation for which the applicant is now applying.

The record reveals that the applicant filed a TPS application for late registration on October 15, 2002, under receipt number WAC0304251544.¹ On November 20, 2003, the applicant was requested to submit the final court disposition for his arrest by the Worthington (Minnesota) Police Department on July 28, 2001, for 2nd degree driving while intoxicated along with evidence to establish his continuous residence since February 13, 2001, and physical presence since March 9, 2001, in the United States. The director denied that application due to abandonment on March 4, 2004, because the applicant failed to submit the requested court disposition for his arrest. As the application was denied due to abandonment there was no appeal rights; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed the current TPS application on February 17, 2005, and indicated that he 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.

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 been granted TPS during this current designation. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

Finally, the record reflects that on April 5, 2007, a Form I-862, Notice to Appear, was issued upon the applicant. On June 20, 2007, the applicant's case was administratively closed by an immigration judge.²

¹ The applicant's asylum application was pending during the initial registration period.

² Administrative closing of a case does not result in termination of the proceedings. It is merely an administrative convenience, which allows the removal of cases from the calendar in appropriate situations. See *Matter of Gutierrez-Lopez*, 21 I&N Dec. 479 (BIA 1996).



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.