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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[WAC 05 208 72874]

Office: CALIFORNIA SERVICE CENTER

Date: JAN 04 2008

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

A handwritten signature in cursive script that reads "John H. Vaughan".

for  
Robert P. Wiemann, Chief  
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), 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 first TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 02 254 54442. The Director, Texas Service Center (TSC), denied that application on March 24, 2003, due to abandonment because the applicant failed to respond to a Notice of Intent to Deny requesting additional evidence. After a review of the record, the Chief, AAO, concurs with the TSC director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, and indicated that he was re-registering for TPS.

The ESC 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 re-register for TPS. The applicant filed his current appeal from that decision on September 21, 2005.

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.

Although it appears that the applicant may be eligible to file a late initial application for TPS under 8 C.F.R. § 244.2(f)(2) because his mother has been granted TPS, he failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

The applicant was requested on January 30, 2003, to submit evidence establishing his qualifying continuous residence and continuous physical presence in the United States. However, he failed to respond to the request.

The applicant has not submitted sufficient evidence to establish his qualifying residence since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001. He has, therefore, failed to establish that he has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the application must also be denied for these reasons.

An alien applying for TPS 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.