



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
[SRC 0322954904]

Office: Texas Service Center Date: JAN 17 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:

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.

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

Robert P. Wiemann, **elf**
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 CIS receipt number SRC 01 161 57172. The director denied that application on July 9, 2002, after determining that the applicant had abandoned his application by failing to respond to a request for evidence of his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The applicant did not appeal the director's decision; however, after a review of the record, the Chief, AAO, concurs with the director's denial decision.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on August 18, 2003, 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.

The applicant has submitted a photocopy of an Employment Authorization Card valid from December 31, 2002, through September 9, 2003, which suggests he had been granted Temporary Protected Status. However, as stated above, the record of proceedings confirms that his application was denied on July 9, 2002.

The applicant, through former counsel, has stated that he was unaware that his initial application had been denied. It is noted that the Notice of Intent to Deny dated April 3, 2002, was mailed to the address originally provided by the applicant in his initial application. It is also noted that the applicant listed his address as "Springdale, Arkansas 72764" on his initial application filed, then listed his address as

Rogers Arkansas 72756" on his application for employment authorization received September 9, 2002, and then as Rogers, Arkansas 72758", on his current application received August 18, 2003.

The record reveals that CIS properly sent all notices to the addresses provided by the applicant at the appropriate times. Pursuant to Section 265 of the Act, each alien required to be registered under this title who is within the United States shall notify the Attorney General in writing of each change of address and new address within ten days from the date of such change and furnish with such notice such additional information as the Attorney General may require by regulation.

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.