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FILE: [REDACTED]
[WAC 05 11875867]

OFFICE: California Service Center

DATE: JAN 22 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 California Service Center. Any further inquiry must be made to that office.

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC). It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is 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 an initial Form 1-821, Application for Temporary Protected Status, at the Yermont Service Center (YSC) on August 23, 2003 [receipt no. EAC 03 244 51721] – nearly a year after the closing date of the initial registration period for El Salvadoran nationals. The director denied that application on January 23, 2004, on the grounds that the applicant failed to establish her eligibility for late TPS registration, as well as her continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001, as required for TPS applicants from El Salvador. The applicant filed an appeal, which is being dismissed by the AAO in a separate decision.

The applicant filed the current application, designated as an application to re-register for TPS, with the California Service Center on May 3, 2005 [receipt no. WAC 05 118 75867] The CSC Director denied the application on August 16, 2005, stating that since the initial TPS application had been denied, the applicant was ineligible to re-register for TPS. The applicant filed a timely appeal and submitted photocopies of materials already in the record.

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. *See* 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. Accordingly, the CSC Director's decision to deny the application will be affirmed.

An alien applying for Temporary Protected Status, or 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.