



U.S. Citizenship
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FILE:



Office: CALIFORNIA SERVICE CENTER

[WAC 05 800 37103]

JUL 11 2008
Date:

IN RE:

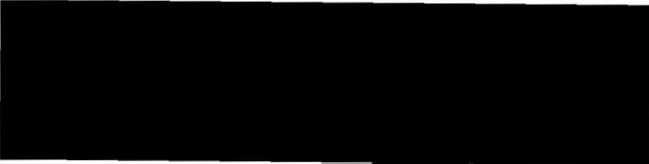
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.

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 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 01 249 55490. The director denied that application on February 24, 2003, due to abandonment. The applicant subsequently filed a motion to reopen which was dismissed as untimely. The applicant then filed a new application for TPS, which was subsequently dismissed because the applicant had not established prima facie eligibility. After a review of the record, the Chief, AAO, concurs with the director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status and indicated that he was re-registering for TPS. However, the applicant's initial application had been denied, and thus the director denied this application as an annual re-registration.

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's initial application for TPS has been denied. Once denied, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application for this reason will be affirmed.

In this case the applicant has failed to notify CIS of his criminal record in Florida, and the record does not contain a final disposition for a criminal charge listed on the applicant's record.

The record reveals that:

1. On November 27, 2004, the applicant was arrested by the Lake Worth Police Department, Florida, for Failure to Appear for Leaving the Scene of an Accident Without Giving Damage Report, a first degree misdemeanor.

The AAO would also note that the evidence submitted by the applicant to establish his continuous residence and physical presence during the required period contains a number of inconsistencies. The pay stubs submitted to cover the five month required period between February 2001 to August 2001, contains numerous inconsistencies, including differing marital statuses, differing social security numbers, non-sequential check numbers, and differing employee numbers despite the stubs being from a single employment company. The documents are not supported by any other contemporary documentation. Despite the fact that the director failed to discuss these issues, any future filings must address the inconsistency and lack of credible evidence with regard to establishing

a continuous residence and physical presence. As the appeal is being dismissed on other grounds, the issue will not be discussed further. At this time 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.