

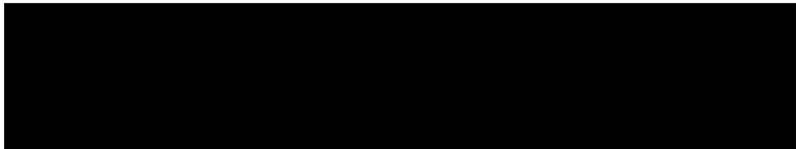
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U.S. Citizenship
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Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date: JUN 02 2008

[WAC 06 018 51241, *appeal*]

[WAC 05 141 73982 as it relates to EAC 02 273 53813]

INRE:

Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 V.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 Vermont Service Center. 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 (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and 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 applicant filed an initial Form 1-821, Application for Temporary Protected Status, under receipt number EAC 02 273 53813 during the initial registration period. The Director, Vermont Service Center (VSC), denied that application on September 4, 2003. A subsequent appeal was considered and the case was remanded to the VSC Director by the Director (now Chief) of the AAO on November 2, 2005 for the entry of a new decision. The VCS Director again denied the application on November 27, 2007, because the applicant had not met the continuous residence and continuous physical presence requirements for TPS.

The applicant filed the current Form 1-821 on February 18, 2005, and indicated that he was re-registering for TPS.

The CSC Director denied the re-registration application on September 22, 2005 because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, 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 not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the CSC 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).

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.