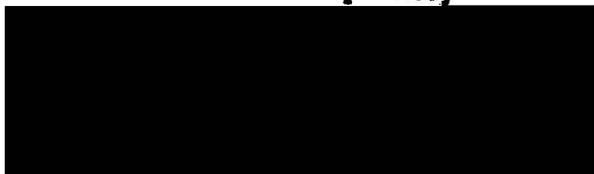




**U.S. Citizenship
and Immigration
Services**

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invasion of personal privacy

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FILE: [REDACTED]
[WAC 0511373173]

OFFICE: California Service Center DATE: **JUN 30 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.

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

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 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 record reveals that the applicant filed a TPS application during the initial registration period on August 30, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 25756787. On April 27, 2004, the applicant was requested to submit additional information concerning his criminal background and the court dispositions, or evidence that the applicant has no record at all. In addition, the applicant was also asked to have his fingerprints retaken. On August 19, 2004, the Director, Texas Service Center, denied that application due to abandonment because the applicant failed to provide requested information in a timely manner. The director informed the applicant that there is no appeal from a denial due to abandonment, but that he could file a motion to reopen the case within 33 days of the date of issuance of the Notice of Decision. The record does not reflect that the applicant filed a motion within the allotted timeframe.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on January 14, 2005, under CIS receipt number WAC 05 113 73173, and indicated that he was re-registering for TPS. The Director, California Service Center, 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 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).

Furthermore, it is noted that the applicant has not submitted sufficient evidence to establish his continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

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.