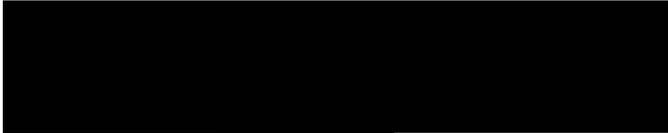




U.S. Citizenship
and Immigration
Services

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invasion of personal privacy

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date MAR 04 2008

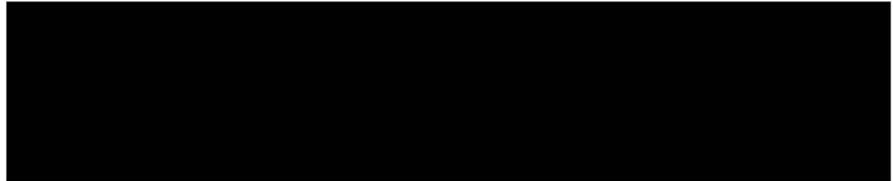
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INRE:

Applicant:



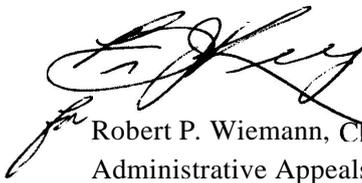
APPLICATION:

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

ON BEHALF OF APPLICANT: 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.


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 SRC 03016 54888 after the initial registration period had closed. The Director, Texas Service Center (TSC), denied that application after determining that the applicant had failed to establish she was eligible for late initial registration. On October 6, 2003, the TSC Director denied a motion to reopen filed by the applicant on September 11, 2003.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on May 4, 2005, and indicated that she was re-registering for TPS.

The CSC 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 not previously been granted TPS. Therefore, she 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).

The record of proceeding reflects that on August 28, 1997, an Immigration Judge in Atlanta, Georgia, granted the applicant voluntary departure from the United States on or before December 26, 1997, with an alternate order of deportation if she should fail to depart as ordered. There is no evidence in the record that she departed from the United States as required. It is further noted that the record contains a Form 1-205, Warrant of Removal/Deportation, issued by the District Director of the Atlanta, Georgia, office on August 4, 1999. On May 23, 2002, that warrant was executed after it was determined that the applicant had deported herself by leaving the United States on November 15, 1998.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited 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.