



U.S. Citizenship  
and Immigration  
Services

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FILE:

[EAC 05 148 70956]

OFFICE: Vermont Service Center DATE: SEP 02 2008

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:

SELF-REPRESENTED

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.

for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont 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 September 3, 2002, under receipt number EAC 02 279 50920. On February 25, 2004, the applicant was requested to submit additional evidence establishing her continuous residence and continuous physical presence in the United States during the requisite periods. On May 27, 2004, the director denied that application because the applicant failed to establish she had: 1) continuously resided in the United States since February 13, 2001; and, 2) been continuously physically present in the United States since March 9, 2001. A subsequent appeal from the director's decision was dismissed by the AAO on January 18, 2005, after the Director, now Chief, of the AAO determined that the documentation submitted by the applicant is not sufficient to establish that she satisfied the residence and physical presence requirements described in 8 C.F.R. §§ 244.2(b) and (c).

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 31, 2005, and indicated that she was re-registering for TPS. The director denied the re-registration application on July 18, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant has now submitted an appeal from the director's decision.

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, 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).

It is noted that the applicant has not submitted sufficient evidence establishing her qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

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.