**PUBLIC COPY**

U.S. Department of Homeland Security

Citizenship and Immigration Services

M1

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

*ADMINISTRATIVE APPEALS OFFICE*
*CIS, AAO, 20 Mass, 3/F*
*425 I Street N.W.*
*Washington, D.C. 20536*

[redacted]

File: [redacted] Office: California Service Center Date: JAN 15 2004

IN RE: 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 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish that he is a national of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254. The applicant is a citizen and national of Mexico and that country has not been so designated under section 244 of the Act.

On appeal, the applicant states that his spouse is a TPS registrant.

The record contains a copy of the applicant's Mexican birth certificate, his November 27, 1993, marriage certificate, and his spouse's, [redacted] employment authorization card.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244, provide that an applicant is eligible for temporary protected status only if such alien establishes that he or she:

> Is a national of a foreign state designated under section 244(b) of the Act;....

Pursuant to 8 C.F.R. § 244.2(a) as a citizen and national of Mexico, the applicant is ineligible for the provisions of section 244 of the Act. A marriage alone, to a TPS registrant, does not render the applicant eligible for the benefit being sought; he must meet all other requirements.

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 § 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.