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U.S. Department of Homeland Security
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**U.S. Citizenship
and Immigration
Services**



WJ

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: FEB 09 2005
[WAC 03 253 52775]

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 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.

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

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 applicant is a native and citizen of Mexico who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director determined that the applicant is not eligible for TPS because her country of nationality, Mexico, is not a designated foreign state for TPS.

On appeal, the applicant's mother submits a statement.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state designated by the Attorney General is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f) (1) Registers for TPS during the initial registration period announced by public notice in the *Federal Register*, or
 - (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
 - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparation; or

- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The burden of proof is upon the applicant to establish that he meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his own statements. 8 C.F.R. § 244.9(b).

The director denied the application because the applicant is not a national of a foreign state designated for Temporary Protected Status.

On appeal, the applicant's mother, [REDACTED] states that she is Salvadoran by birth, her parents are Salvadoran, but her husband and her children were born in Mexico. She submits a copy of her Salvadoran birth certificate with English translation; a copy of a Mexican marriage certificate indicating that Ms. [REDACTED] and [REDACTED], a Mexican citizen, were married in Coatzacoalcos, Veracruz, Mexico, on May 17, 1989; an Employment Authorization Card valid from September 10, 2002 to September 9, 2003, indicating that Amadelia [REDACTED] has applied for TPS; and, a Nevada birth certificate indicating that [REDACTED] was born to [REDACTED], a citizen of El Salvador, and [REDACTED] a Mexican citizen, on February 27, 2003, in Las Vegas, Nevada.

In order to be eligible for Temporary Protected Status, an alien must be a national of a foreign state designated under section 244(b) of the Act. 8 C.F.R. § 244.2(a). In this case, the applicant indicates on the Form I-821, Application for Temporary Protected Status, that she is a native and citizen of Mexico. In support of the application, the applicant submitted her Mexican birth certificate. Although the applicant's mother is a Salvadoran citizen, the applicant has not claimed, or provided any evidence to establish, that she is a dual citizen of El Salvador and Mexico. Mexico is not a foreign state designated for Temporary Protected Status. Since the applicant is not a national of a foreign state currently designated for Temporary Protected Status, he is statutorily ineligible for TPS, and the application must be denied. Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

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.