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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAY 05 2005
[WAC 03 253 52791]

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.

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 (AAO) 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 record reflects that the applicant is a citizen and national of Mexico. On appeal, the applicant's mother, [REDACTED] states that the applicant is eligible for TPS because he is the child of a citizen of El Salvador who has applied for TPS. The applicant's mother has previously provided a copy of the applicant's Mexican birth certificate indicating that the applicant, his father, [REDACTED] his mother, [REDACTED] his paternal grandparents, and his maternal grandparents were all citizens of Mexico. The applicant has also provided a photocopy of an Employment Authorization Card valid from September 10, 2002 to September 9, 2003, indicating that [REDACTED] a Salvadoran citizen, had a pending application for TPS.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), 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;....

The applicant's mother asserts on appeal that the applicant qualifies for TPS because he is the child of a Salvadoran national who has applied for TPS. However, the regulation at 8 C.F.R. § 244.2(f)(2)(iv) simply allows spouses or children of TPS applicants to file applications for TPS after the initial registration period had closed; this regulation does not relax the requirements for eligibility for TPS set forth at 8 C.F.R. § 244.2, including the requirement that the spouse or child of the TPS applicant must also be a national of a country designated for TPS. As a citizen and national of Mexico, the applicant is ineligible for the provisions of section 244 of the Act.

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.