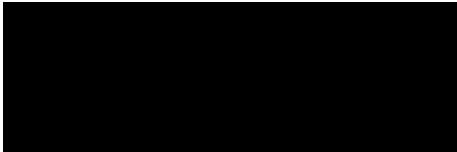




U.S. Citizenship
and Immigration
Services

Identify your rights related to
Temporary Protected Status
to prevent unauthorized
invasion of your privacy

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MAY 27 2005

FILE: [REDACTED]
[WAC 04 011 51456]

Office: CALIFORNIA SERVICE CENTER

Date:

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.

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 she 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 stated that she is eligible for TPS because she is the spouse of a citizen of El Salvador who had applied for TPS. The applicant provided a copy of her marriage certificate and documentation regarding her husband's immigration status.

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 states on appeal that she believes she qualifies for TPS as the spouse of an alien who has applied for TPS; however, the regulation at 8 C.F.R. § 244.2(f)(2)(iv) simply allows spouses of TPS beneficiaries to file applications after the initial registration period had closed; this regulation does not relax the requirements for eligibility for TPS, including the requirement that the applicant must be a national of a foreign state 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.