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U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED]
[EAC 05 193 70628]

OFFICE: Vermont Service Center

DATE: **APR 27 2007**

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:

[REDACTED]

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, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center (VSC). It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is a 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 an initial Form I-821, Application for Temporary Protected Status, on August 16, 2002, under Citizenship and Immigration Services (CIS) receipt number EAC 02 266 50924. On February 23, 2004, the applicant filed a second TPS application under CIS receipt number EAC 04 107 54633. The Director, VSC, denied both applications on September 30, 2004. She denied the initial application on the grounds that the applicant failed to establish that she had been continuously resident in the United States since February 13, 2001, and continuously physically present in the United States since March 9, 2001, as required for TPS applicants from El Salvador. Treating the second Form I-821 as a re-registration application, the director denied it as well on the ground that since the initial application was denied, the applicant was ineligible to re-register for TPS. The applicant appealed the decision on the initial application to the AAO, which affirmed the director's decision on March 29, 2006.

The applicant filed the current TPS application on February 15, 2005. It was denied by the director on August 1, 2006. Noting that the applicant's initial TPS application had been denied by the VSC on September 30, 2004, the director stated that the current application could not be treated as a re-registration, and would therefore be considered as a late registration. The director determined, however, that the applicant had failed to establish that she was eligible late registration under any of the criteria enumerated at 8 C.F.R. § 244.2(f)(2). The director also determined that the applicant had failed to establish that she had been continuously physically present in the United States since March 9, 2001, and continuously resident in the United States since February 13, 2001, as required for TPS applicants from El Salvador pursuant to section 244(c)(1)(A)(i) and (ii) of the Act.

On appeal counsel refers to several previously submitted letters as evidence of the applicant's residence and physical presence in the United States, and resubmits copies of those letters. No further documentation has been submitted in support of the appeal.

Based on the evidence of record, which has not been supplemented on appeal, the AAO concurs with the director's denial of the application on the grounds that the record fails to establish the applicant's continuous residence and continuous physical presence in the United States from the requisite dates for El Salvadoran nationals. In accord with the director's decision, the AAO also determines that the current application cannot be approved as a re-registration application because the applicant has not been previously approved for TPS. The denial of the application will therefore be affirmed.¹

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for TPS has the burden of proving that he or she meets the

¹ The AAO notes that the applicant's mother, [REDACTED], who the record indicates was granted permanent resident status in the United States on August 15, 2000, filed a Form I-130, Petition for Alien Relative, on the applicant's behalf on April 30, 2001. The petition was approved on February 20, 2005.

requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet that burden.

ORDER: The appeal is dismissed.