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**U.S. Citizenship
and Immigration
Services**



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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: AUG 15 2007
[WAC 05 139 73267]

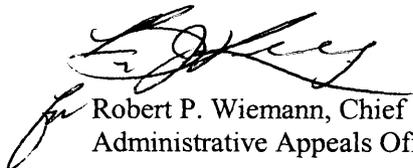
IN RE: Applicant: [REDACTED]

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, Chief
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 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 a TPS application during the initial registration period on March 22, 2001, under receipt number WAC 01 166 51687. The director denied that application on December 11, 2002, because the applicant had failed to submit the final court disposition of his arrest record. On January 9, 2003, the applicant filed an appeal from the denial decision. That appeal will be addressed in a separate decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 16, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on September 13, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal the applicant asserts that he has been in the United States since 1993, and that he is sending proof of his continuous physical presence.

An alien shall not be eligible for temporary protected status if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The record reveals the following:

- (1) On April 25, 1997, in the District Court, Clark County, Nevada, under Case No. [REDACTED] the applicant was convicted of "conspiracy to commit grand larceny," Nevada Revised Statute 199.480, 305.220, a gross misdemeanor. He was sentenced to serve 6 months in the county jail, and placed on probation for a period of one year.
- (2) The Federal Bureau of Investigation fingerprint results report indicates that on June 8, 2003, in Phoenix, Arizona, the applicant was arrested for "DUI-LIQUOR/DRUGS/VAPORS/COMBO." The applicant has failed to provide the final court disposition of this arrest although he was requested, on January 22, 2002, to submit the court disposition of all of his arrests.

The applicant is filing the current TPS application as a re-registration; therefore, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application 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.