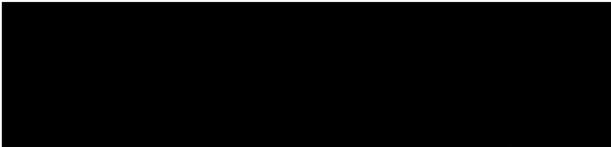


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U.S. Citizenship
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Services

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FILE: [REDACTED]
[WAC 05 210 94678]

OFFICE: California Service Center

DATE:

FEB 05 2007

IN RE: Applicant:

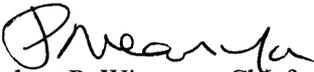


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant claims to be 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 March 16, 2001. The application was denied by the director on January 15, 2002, on the grounds that the applicant failed to submit final court dispositions for two criminal charges arising out of an arrest in Sacramento, California, and documentary evidence that she had resided in the United States continuously since February 13, 2001. The applicant filed an appeal on April 16, 2002. The director rejected the appeal on October 31, 2002, because it was not timely filed, and also determined that it did not meet the requirements of a motion to reopen or reconsider. Upon review of the record, the Chief, AAO, concurs with the director's decisions.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 27, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application on June 27, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If the applicant is filing an application as a re-registration, 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. *See* 8 C.F.R. § 244.17.

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

There is no indication that the applicant is attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

In any future proceedings before Citizenship and Immigration Services (CIS) the applicant must provide evidence of the final court dispositions of the two criminal charges resulting from his arrest in Sacramento, California, on February 8, 1999 – (1) possession/purchase for sale of a narcotic/controlled substance, and (2) possession of a narcotic/controlled substance – and any other charges against him.

An alien applying for Temporary Protected Status, or TPS, 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.