



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[WAC 05 225 73407]

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE: Applicant:

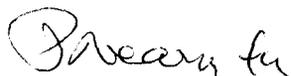
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APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. 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, with the Texas Service center (TSC) on September 20, 2001, during the initial registration period (SRC 02 026 57257 relates). That application was initially denied on March 19, 2003, because the applicant had failed to respond to a request for evidence to establish his qualifying continuous residence in the United States during the requisite time period. The TSC director reopened the proceedings and again denied the application on June 10, 2003.

The applicant filed a second Form I-821 on September 24, 2004 (SRC 04 253 53722 relates). That application was denied by the TSC director due to abandonment on November 19, 2004. The applicant filed a Motion to Reopen the denial decision on December 21, 2004. The motion was dismissed by the TSC director on January 19, 2005.

The applicant filed the current Form I-821 on May 13, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on September 20, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed the current appeal from that decision on November 14, 2005.

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. 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.

There is no indication that the applicant was 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).

It is noted that as a result of being fingerprinted in connection with this application, CIS received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant has been charged in San Antonio, Texas with "Driving with License Invalid." In any future proceedings before CIS, the applicant must submit evidence of the final court disposition of this and any other charge(s) against him.

An alien applying for 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.