



U.S. Citizenship
and Immigration
Services

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FILE:

Office: California Service Center

Date: SEP 04 2007

[WAC 05 161 75302]

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 Vermont Service Center. Any further inquiry must be made to that office.

for 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 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 an initial TPS application on April 23, 2001, under CIS receipt number SRC 01 192 57132. The Director, Texas Service Center, denied that application on November 20, 2003, because the applicant had been convicted of a felony or two or more misdemeanors. The record reflects that the AAO Director dismissed a subsequent appeal and affirmed the director's decision, on March 28, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 10, 2005, under CIS receipt number WAC 05 161 75302, and indicated that he was re-registering for TPS. The director, California Service Center, denied that application on August 12, 2005, as 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 states that he believes that there was a mistake and a misunderstanding as he has always submitted requested information. With his appeal the applicant submits copies of the final court dispositions earlier provided.

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 record to establish that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

It is noted in the record that the applicant was removed from the United States to El Salvador on May 23, 1990.

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.