

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M (



FILE: [REDACTED] OFFICE: California Service Center DATE: MAY 05 2008
[WAC 05 800 30688]

INRE: 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.


for 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 (AAO) on appeal. The appeal will be dismissed.

The applicant is stated 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 previously filed a Form 1-821, Application for Temporary Protected Status, under Citizenship and Immigration Services (CIS) receipt number WAC 01 26363304, on August 1, 2001. The Director, California Service Center, denied that application on October 5, 2004, after determining that the applicant had abandoned his application by failing to respond to a request for additional evidence establishing his continuous residence and continuous physical presence in the United States during the requisite periods, as well as establishing his national identity. The director advised the applicant that, while the decision could not be appealed, the applicant could file a motion to reopen within 30 days. However, the record **does** not reflect that the applicant filed a motion within the time allowed.

The applicant filed another Form 1-821 under CIS receipt number WAC 05 80030688 and indicated that he was re-registering for TPS. The director denied that application on October 4, 2005 because the applicant's initial TPS application had been denied and the applicant was not eligible 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. 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).

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.