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U.S. Citizenship
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Services

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FILE: [REDACTED]
[WAC 05 224 76879]

Office: CALIFORNIA SERVICE CENTER

Date: JUL 24 2007

IN RE: Applicant:

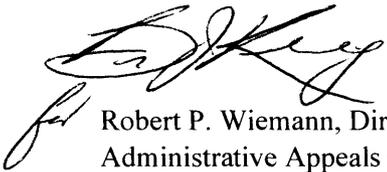


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C., § 1254

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, Director
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 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 TPS application on July 6, 2001, under CIS receipt number SRC 01 231 68532. The Texas Service Center director denied that application due to abandonment, on November 4, 2004, because the applicant failed to submit requested evidence to establish eligibility for TPS. The director also noted that the evidence of record indicated discrepancies in the applicant's name, his Social Security number, his marital status, and his country of birth. A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed an appeal or a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 12, 2005, under CIS receipt number WAC 05 224 76879, and indicated that he was re-registering for TPS. The director denied that application on October 20, 2005, because the applicant's prior TPS application had been denied and the applicant was ineligible for re-registration for TPS.

On appeal, the applicant states only that he is appealing for the same reasons stated in his initial TPS application. The applicant does not submit additional evidence on appeal.

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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish his nationality and identity. The applicant has submitted an El Salvador birth certificate and English translation; however he has not submitted a photo identification document from his country of origin to establish his nationality and identity as requested by the director on September 29, 2004, and as required by 8 C.F.R. § 244.9(a)(1). In addition, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States from February 13, 2001 and his continuous physical presence since March 1, 2001. Therefore, the application will also be denied for these reasons.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.