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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: FEB 03 2005  
[WAC 04 005 51569]

IN RE: 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.

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 Guatemala who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254. The director determined that the applicant is not eligible for TPS because her country of nationality, Guatemala, is not a designated foreign state for TPS.

On appeal, the applicant submits a statement.

The record reflects that the applicant is a citizen and national of Guatemala. On appeal, the applicant states that she is eligible for TPS because she is the spouse of a citizen of El Salvador who had been granted TPS. The applicant provides a copy of her marriage certificate and documentation reflecting that her husband has been granted TPS.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for temporary protected status only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act;....

The applicant asserts on appeal that she is eligible for TPS as the spouse of an alien who has been granted TPS. However, the regulation at 8 C.F.R. § 244.2(f)(2)(iv) simply allows spouses of TPS beneficiaries to file applications after the initial registration period had closed; this regulation does not relax the requirements for eligibility for TPS, including the requirement that the alien must be a national of a foreign state designated for TPS. As a citizen and national of Guatemala, the applicant is ineligible for the provisions of section 244 of the Act. A marriage to a TPS registrant, does not render the applicant eligible for the benefit being sought; she must meet all other requirements.

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.