



U.S. Citizenship
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Services

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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: DEC 18 2006
[WAC 05 216 90300]

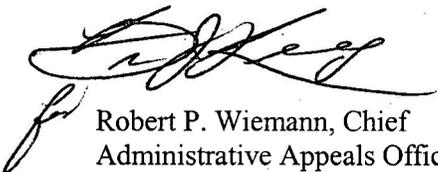
IN RE: Applicant: [REDACTED]

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.


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 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 a TPS application during the initial registration period on May 7, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 203 51099. The director denied that application based on abandonment on August 5, 2002, because the applicant had failed to respond to a request dated June 21, 2002, to submit the final court dispositions of all of her arrests. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 4, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application on June 30, 2005, because 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 asserts that she went to the Los Angeles Police Department to request her records, and she was told that they will send the record directly to CIS. She further asserts that she subsequently submitted a letter from the Superior Court for the County of Los Angeles certifying that her record was not located. The applicant explains that she was arrested when she was 17 years old for petty theft, but that she was never charged with that crime, she was not placed on probation, and she did not pay a fine. She states that she is suffering from paralysis due to polio, and she desperately needs a work permit in order to work.

Despite the applicant's assertion, it is noted that the record of proceeding does not contain the letter from the Superior Court for the County of Los Angeles. The Federal Bureau of Investigation (FBI) fingerprint results report indicates that on August 27, 1992, in Los Angeles, California, the applicant was arrested for "Grand Theft: Property." The applicant asserts that she was arrested for petty theft but she was never charged with that crime; however, the applicant failed to submit the final court disposition of that arrest. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

The record indicates that, based on the FBI fingerprint results report, the applicant was requested on March 12, 2002, to submit police clearances from every city where she has lived since arriving in the United States, and also to submit the certified final court disposition of her arrest listed on the FBI report. The applicant responded with a note from the Los Angeles Police Department (LAPD) that, "LAPD will contact INS directly regarding this request."

A letter was subsequently received on May 8, 2002, from the LAPD that a "Petition to Obtain Report of Law Enforcement Agency/Juvenile" may be obtained from and must be filed with the Presiding Judge of the Juvenile Court, Superior Court County of Los Angeles, [REDACTED]

[REDACTED] On June 21, 2002, the applicant was furnished a copy of the letter from the LAPD and she was requested to submit the final court disposition from the appropriate court. The request for evidence was returned to the Service Center as undeliverable and stamped: "Attempted, Not Known." It is noted that the notice was mailed to the applicant's address [REDACTED] The director, therefore, denied the application based on abandonment on August 5, 2002. The denial notice was

also mailed to the [REDACTED], address. Again, that notice was returned to the Service Center as undeliverable (Attempted, Not Known). Therefore, the denial notice was remailed to the applicant's former address ([REDACTED]). That notice was also returned to the Service Center as undeliverable (Attempted, Not Known).

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, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

It is noted that the director's decision does not explore the possibility that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
 - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparole; or
 - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed the current application with CIS on May 4, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative

value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). Therefore, the application also must be denied for this reason.

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.