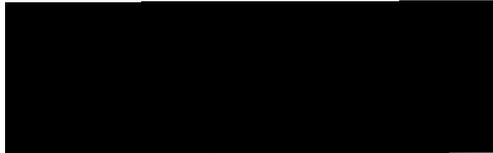




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent ~~clearly~~ unwarranted
invasion of personal privacy

PUBLIC COPY



M1

FILE:



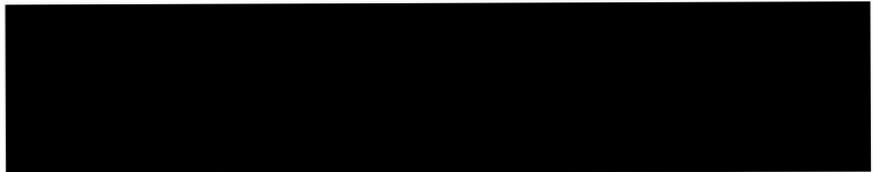
Office: CALIFORNIA SERVICE CENTER

Date: **JUN 28 2006**

[WAC 05 197 73913]

IN RE:

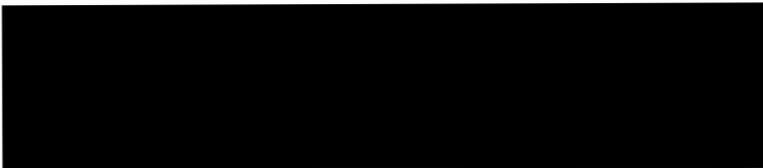
Applicant:



APPLICATION:

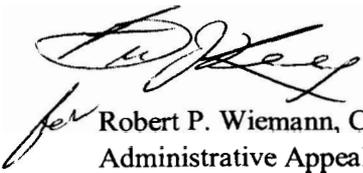
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. 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 Form I-821, Application for Temporary Protected Status, during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 01 144 58712. The director denied that application on July 15, 2004, finding that the applicant had not submitted court disposition documents for his outlined arrests and/or convictions. The applicant did not appeal the director's decision of denial.

The applicant filed the current Form I-821, on April 15, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, 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 director's determination concerning re-registration, the following arrests that are listed on his Federal Bureau of Investigation fingerprint results report:

1. On January 31, 1997, the applicant was arrested by the Nashville, Tennessee, Police Department and charged with (1) – "3568 POSS C/S RESAL MARIJUANA," and (2) – "3568 MARIJUANA SELL DELIVERY."
2. On April 4, 2000, the applicant was arrested by the Franklin, Tennessee, Police Department and charged with (1) - driving on a revoked driver's license and (2) - violation of traffic signals.

However, the final court dispositions of his arrests are not included in the record of proceeding. CIS must address these arrests and/or convictions in any future decisions or proceedings.

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.