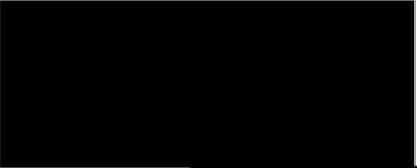




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy

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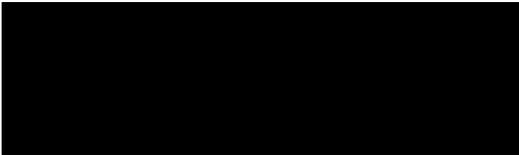
Office: VERMONT SERVICE CENTER

Date: **MAY 25 2006**

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:



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, Vermont 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 EAC 01 164 55717. The director denied that application on June 10, 2002, after determining that the applicant had abandoned his application by failing to respond to a request to appear for fingerprinting. A subsequent motion to reopen was dismissed by the director on June 17, 2003. The applicant filed another Form I-821 on February 6, 2004. The director denied that application on March 10, 2005, because the applicant had submitted a letter from the Union City Police Department in New Jersey listing three arrests but had failed to submit evidence of the final dispositions for those charges.

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.

The applicant's Federal Bureau of Investigation fingerprint results report shows that on May 13, 2004, in New York, he was arrested for: (1) "Charge 1-PL 175.30," offering a false instrument for filing in the second degree, a misdemeanor, and (2) "Charge 2-PL 170.20," tampering with public records in the second degree, a misdemeanor. However, the final court disposition of this arrest is not included in the record of proceeding. It is noted the applicant was convicted of driving a commercial vehicle without a commercial driver's (Section 39:3-10.18) in Union City, New Jersey, on August 16, 1995, a misdemeanor. CIS must address these arrests and/or convictions in any future decisions or proceedings.

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.