



U.S. Citizenship  
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FILE:

[REDACTED]  
[EAC 02 272 51765]

OFFICE: VERMONT SERVICE CENTER

DATE: MAY 31 2006

IN RE:

Applicant: [REDACTED]

APPLICATION:

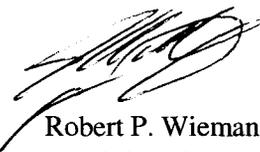
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) 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 director denied the application because the applicant failed to establish that he is a national of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

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 TPS 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 indicated on his TPS application that he was born in Escuintla, Guatemala, and was a citizen of El Salvador because his mother was El Salvadoran. In support of his TPS application, the applicant submitted a copy of an affidavit signed by the applicant and a copy of INS Form G-325A, Biographic Information sheet as proof of residency in El Salvador. The director noted that the affidavit and biographic information sheet were self-serving and of no evidentiary value. She concluded that the applicant had failed to establish that he was a national of a foreign state designated by the Attorney General, and denied the application on February 23, 2004.

The applicant asserts on appeal that he is eligible for TPS because he is a national of El Salvador. In support of his assertion, the applicant submits a photocopy of his El Salvadoran passport issued to him in El Salvador on October 6, 2003.

The General Counsel, in GENCO Op. 92-34 (August 7, 1992), concluded that the Service may, in the exercise of discretion, deny TPS in the case of an alien who, although a national of a foreign state designated for TPS, is also a national of another foreign state that has not been designated for TPS. The General Counsel states: "TPS is not a provision designated to create a general right to remain in the United States. Rather, the statute provides a regularized means of granting haven to aliens who, because of extraordinary and temporary circumstances, cannot return to their home country in safety. See *id.* 244A(b)(1)(A), (B), and (C), 8 U.S.C. § 1254(b)(1)(a), (b), and (c)."

As the applicant is also a national of Guatemala, which is not a TPS-designated country, the director's decision to deny the application will be affirmed, as a matter of discretion.

**ORDER:** The appeal is dismissed.