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U.S. Citizenship  
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FILE:



Office: California Service Center

Date:

**JUN 25 2007**

[WAC 05 270 70393]

IN RE:

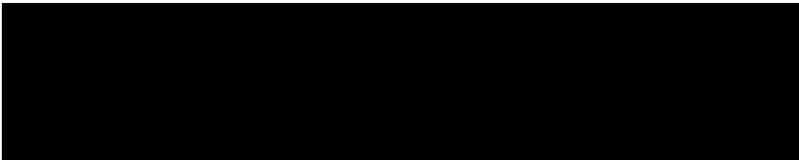
Applicant:



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.

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 (AAO) 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 an initial TPS application on April 23, 2001, under CIS receipt number SRC 01 196 57111. The director, Texas Service Center, denied the application, on August 12, 2004, because the applicant failed to provide the final court disposition of an arrest requested in a May 24, 2004, notice of intent to deny. The director noted that the applicant was arrested on March 25, 2000. A subsequent appeal, filed by [REDACTED] as representative, was rejected by the Chief, AAO on November 7, 2005, as the record did not contain a Form G-28, Notice of Entry of Appearance of Attorney or Representative.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on June 27, 2005, under CIS receipt number WAC 05 270 703993, and indicated that he was re-registering for TPS. The director denied the re-registration application May 2, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, counsel states that the director's denial of the applicant's TPS application was an abuse of discretion because the applicant submitted more evidence than requested to establish the length of his presence in the United States. Counsel does not submit any additional evidence on appeal.

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, he 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 applicant's Federal Bureau of Investigation (FBI) results report, completed in connection with his subsequent TPS re-registration application, reflects that the applicant was arrested on March 25, 2000, by the McKinney Police Department, McKinney, Texas, and charged with Charge 1 – ASSLT CAUSES BODILY INJ. The final court disposition is not in the record of proceeding. CIS must address this arrest in any future proceedings.

It is also noted that the record of proceedings reveals that the applicant was apprehended on July 12, 1995, was placed in deportation proceedings, and on December 13, 1995, an Immigration Judge granted the applicant voluntary departure in lieu of Removal on/or before March 13, 1996, with an alternate Order of Deportation to El Salvador, if the applicant failed to depart the United States as required. It does not appear that the applicant departed the United States.

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.