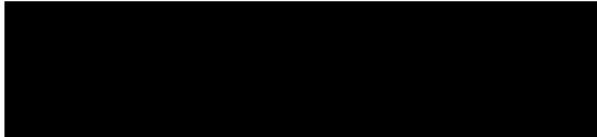




U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy



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FILE: [REDACTED]  
[WAC 05 256 70272]

Office: CALIFORNIA SERVICE CENTER

Date: MAR 02 20

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.

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 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 under Citizenship and Immigration Services (CIS) receipt number LIN 01 178 50914. The Director, Nebraska Service Center, approved that application on August 29, 2001. However, the applicant's TPS status was withdrawn on March 22, 2004, because the applicant failed to re-register for TPS for the period from September 9, 2002, until September 9, 2003. On May 27, 2004, the applicant filed an appeal from the denial decision. The appeal was rejected by the director because it was filed untimely.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on June 13, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on May 18, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

Finally, the record indicates that the applicant was arrested on March 13, 2005, in Aurora, Colorado, and charged with Careless Driving, No Drivers License and Driving Under the Influence Liquor, misdemeanors. Since there is no final court disposition in the record regarding these offenses, the AAO is unable to render a decision on how they affect his TPS application. These offenses must be addressed in any further immigration proceedings.

An alien applying for TPS 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.