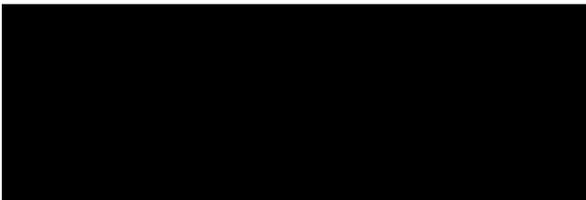




U.S. Citizenship
and Immigration
Services

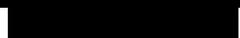
PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



MI

FILE:



Office: California Service Center

Date: MAR 26 2007

[WAC 05 140 71406]

IN RE:

Applicant:



APPLICATION:

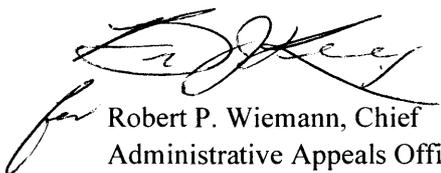
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

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.


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 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 December 6, 2001, under CIS receipt number SRC 02 053 53864. The Texas Service Center director denied the application, on November 22, 2004, because the applicant failed to appear for fingerprinting on August 16, 2004. It is noted that the record reveals that the fingerprint notification, mailed by the director to the applicant's last known address on June 30, 2004, and re-mailed on August 6, 2004, was returned as undeliverable. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 27, 2005, under CIS receipt number WAC 05 140 71406, and indicated that he was re-registering for TPS.

The director denied that application on August 30, 2005, because the applicant's prior TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that he has been living in the United States since May 1991, and that he never received correspondence from the U.S. Citizenship and Immigration Services, in 2004, requesting additional evidence. With the appeal, in an attempt to establish his continuous residence in the United States and his continuous physical presence, the applicant submits photocopies of: his Social Security earnings record showing earnings from 1994, through 2003; 3 invoices from utility companies, dated in 2000; a receipt, dated December 24, 2000; a 2000 tax return summary showing a February 27, 2001 preparation date, with three 2000 W-2 Wage and Tax Statements; a motor vehicle accident report, dated September 12, 2000; a State of Arkansas license and marriage certificate, dated June 12, 2000; and an Internal Revenue Service notice, dated April 5, 2004.

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 also noted that the record reveals that the applicant's application for political asylum was denied, and he was placed in Removal Proceedings, and granted voluntary departure, on April 5, 1993, by the Immigration Judge. A subsequent appeal to the Board of Immigration Appeal was dismissed on November 30, 1998.

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.