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U.S. Citizenship
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Services

MM

[REDACTED]

FILE: [REDACTED]
[WAC 05 288 70584]
[SRC 01 201 53563]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 31 2007

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 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 01 201 53563. The Director, Texas Service Center, denied the initial application on May 30, 2003, because the applicant had abandoned his application by failing to respond to a request to appear for fingerprinting. After a review of the record, the Chief, AAO, concurs with the director's denial decision.

Since the application was denied due to abandonment, there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed the current Form I-821 on July 15, 2005, and indicated that he was re-registering for TPS.

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

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.

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).

The applicant's Federal Bureau of Investigation fingerprint results report shows that on February 12, 2003, he was arrested by the Broward County Sheriff's Office in Florida, and charged within one count of larceny-grand theft, a felony. The report reflects that the charge was reduced a misdemeanor and that he was convicted of that charge on April 7, 2003, based on his "nolo contendere" plea. The report also shows that on June 10, 2005, he was arrested by the Palm Beach County Sheriff's Office in Florida, and charged with driving under the influence, a misdemeanor. The report reflects that he was convicted of that charge on November 17, 2005, based on his guilty plea. However, the final court dispositions of these arrests are not included in the record of proceeding.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited 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.