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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: California Service Center

Date: **NOV 28 2007**

[WAC 05 113 72865]

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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's temporary protected status 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 an initial TPS application on June 13, 2002, under CIS receipt number WAC 02 208 51968. The Director, California Service Center, approved that application on June 30, 2003.

The director, however, withdrew TPS, on January 5, 2006, as the record of proceedings reveals that the applicant had been convicted of two or more misdemeanors. A subsequent appeal was dismissed by the Chief, AAO, in a separate decision issued with this decision. The AAO affirmed the director's decision to withdraw TPS because the applicant had been convicted of two or more misdemeanors and was, therefore, ineligible for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 21, 2005, under CIS receipt number WAC 05 113 72865, and indicated that he was re-registering for TPS. The Director, California Service Center, denied the re-registration application on January 5, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that he regrets the problem he has caused and asks for forgiveness. The applicant does not submit additional evidence.

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.

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.