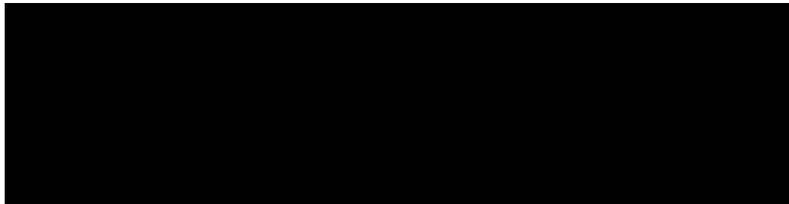




**U.S. Citizenship  
and Immigration  
Services**

**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

PUBLIC Copy



FILE:



[WAC 05 211 75444]

OFFICE: California Service Center

DATE:

**APR 04 2008**

INRE:

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 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 (CSC). It is now on appeal before the Administrative Appeals Office (AAO). 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 director denied the application on the ground that the applicant failed to register for TPS in a timely manner.

On appeal, the applicant claims that she is eligible for late registration on three different grounds.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state designated by the Attorney General is eligible for TPS if such alien establishes that he or she:

- (a) Is a national of a state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f)
  - (1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the FEDERAL REGISTER, or
  - (2) During any subsequent extension of such designation if at the time of the initial registration period:
    - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
    - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
    - (iii) The applicant is a parolee or has a pending request for reparole; or

- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
  
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

EI Salvadoran nationals applying for TPS must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The initial registration period for EI Salvadorans was from March 9, 2001, through September 9, 2002. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until March 9, 2009, upon the applicant's re-registration during the requisite time period.

The record reveals that the applicant filed her initial Form 1-821, Application for Temporary Protected Status, with Citizenship and Immigration Services (CIS) on February 28, 2005 - two and one-half years after the close of the initial registration period. To qualify for late registration, the applicant must provide evidence that during the initial registration period she met at least one of the conditions described in 8 C.F.R. § 244.2(f)(2) above and filed her application within the 60-day window prescribed in 8 C.F.R. § 244.2(g).

On May 18, 2006, the Director, CSC, denied the application on the ground that it was not filed during the initial registration period and did not qualify for late registration because it was not filed within 60 days of the denial of the applicant's L-2 status on June 5, 2002. While noting that an appeal was still pending at the time the TPS application was denied, the director stated that an appeal does not extend a non-immigrant status.

On appeal the applicant asserts that she is eligible for late TPS registration under three different criteria: 8 C.F.R. § 244.2(f)(2)(i) - because she was in valid nonimmigrant status during the initial registration period; 8 C.F.R. § 244.2(f)(2)(ii) - because her appeal of the decision denying her L-2 status in June 2002 was not decided until June 28, 2005; which was after she filed her TPS application; and 8 C.F.R. § 244.2(f)(2)(iv) - because her husband is a currently eligible TPS registrant who has been approved for TPS.

The record indicates that the applicant entered the United States with a B-1/B-2 tourist visa on November 9, 2000. On April 30, 2001, she applied for a change of status to L-2 nonimmigrant on behalf of herself and her three children, while her husband, \_\_\_\_\_ sought L-1 status as the beneficiary of an L-1 nonimmigrant petition. The applicant and her children were approved for L-2 status on June 29, 2001, valid until May 31, 2002. On May 6, 2002, while the applicant's husband sought an extension of his L-1 status, the applicant and her three children (who had also been granted L-2 status), applied for extensions of their L-2 status. The extension applications were denied by the Texas Service Center (TSC) on June 5, 2002. The L-1 petitioner filed a motion to reopen/reconsider, which was denied by the TSC on September 6, 2002. An appeal filed by the L-1 petitioner on October 3, 2002, was ultimately dismissed by the AAO on June 28, 2005.

In the meantime, on February 28, 2005, the applicant's husband filed a Form 1-821, Application for Temporary Protected Status, with the California Service Center. That application was approved on April 12, 2006, with a



**ORDER:** The appeal is dismissed.