

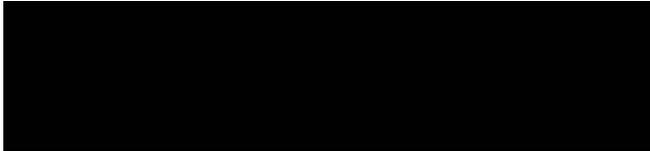
**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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

PUBLIC COPY

M1



FILE:



OFFICE: California Service Center

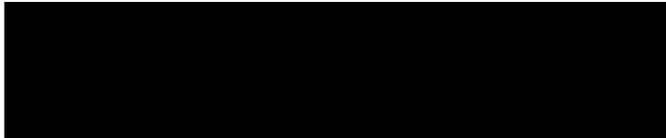
DATE:

JUL 23 2008

[WAC 05 134 77982]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was denied by the Director, California Service Center, and the case 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 record reveals that the applicant filed a TPS application during the initial registration period on February 28, 2002, under receipt number WAC 02 128 51963. On October 9, 2003, Citizenship and Immigration Services (CIS) sent the applicant a request to appear for fingerprinting. The notice instructed the applicant to appear for fingerprinting at the CIS Salinas Office during the 87-day period beginning on November 6, 2003. CIS has no record that the applicant appeared for fingerprinting during this period. Additionally, CIS did not receive a request to reschedule the applicant's fingerprint appointment before the expiration of this period. Accordingly, the director denied the application on April 28, 2004, due to abandonment. There is no appeal from a denial due to abandonment; however, the applicant could have filed a motion to reopen within 30 days of the date of the denial notice. 8 C.F.R. § 103.2(b)(15). The record does not reflect that the applicant filed a motion within the allotted timeframe.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 24, 2005, under CIS receipt number WAC 05 134 77982, and indicated that she 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 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, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

In addition, the applicant's Federal Bureau of Investigation (FBI) Fingerprint Result Report reflects that on April 20, 1993, the applicant was arrested by the Police Department Corona (CA0331500), Agency Case No. [REDACTED] and charged with PETTY THEFT RETAIL MERCHANDISE. The record of proceeding, however, does not contain the final disposition for the applicant's arrest. CIS must address this issue in any future proceedings.

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.