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U.S. Department of Homeland Security
20 Mass. 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:

APR 27 2007

[WAC 05 209 70424 as it relates to SRC 01 259 55375]

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.

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 applying for 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 01 259 55375 after the initial registration period had closed. The Director, Texas Service Center (TSC), denied that application on July 22, 2003, because the applicant had failed to respond to a notice of intent to deny. The applicant filed a subsequent Form I-821 under receipt number SRC 04 031 53985. The Director, TSC, denied that application on February 5, 2004, after determining that the applicant had failed to submit evidence to show she had resided in the United States since February 13, 2001.

A subsequent appeal was dismissed by the Director, AAO, on May 25, 2006, who determined that in addition to the applicant failing to show that she had resided in the United States since February 13, 2001, she had also not established that she had continuously resided in the United States since February 13, 2001, had been continuously physically present in this country since March 9, 2001, and that she was eligible for late initial registration.

The applicant filed the current Form I-821 on April 27, 2005, 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 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 showing that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

The record reflects that on June 19, 2002, the applicant was ordered to be removed from the United States to El Salvador by an Immigration Judge in San Antonio, Texas. A Form I-205, Warrant of Removal/Deportation dated August 31, 2002, for her arrest and removal was issued by the District Director in San Antonio, Texas.

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.