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

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FILE: [REDACTED]
[WAC 05 132 76935]

Office: California Service Center

Date: **JUL 05 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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

for 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 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 late TPS application on November 18, 2002, under CIS receipt number SRC 03 044 54014. The director denied the application on December 18, 2003, because the applicant failed to establish that she was eligible for late initial registration for TPS. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO), in a decision issued concurrently with this decision. The AAO affirmed the director's decision to deny the application for the applicant failure to establish eligibility for late initial registration for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 9, 2005, under CIS receipt number WAC 05 132 76935, and indicated that she was re-registering for TPS. The director denied that application on January 4, 2006, because the applicant's prior TPS application had been denied and the applicant was ineligible for re-registration for TPS.

On appeal, the applicant states that she applied late because she was the beneficiary of a pending I-130 petition filed by his spouse; however, her husband was deported to El Salvador and she could not adjust her status in the United States citizen. With her appeal, the applicant submits a letter, dated May 18, 2000, from the Immigrant Visa Unit pertaining to a request to transfer a case; and, in an attempt to establish her continuous residence and her continuous physical presence, the applicant submits numerous documents, including identity documents, apartment leases, school records, and birth certificates.

It is noted that the letter from the Immigrant Visa Unit pertaining to a request to transfer a case is not addressed to the applicant and does not otherwise reference the applicant, and the record does not indicate that the applicant has an approved Form I-130 Petition for Alien Spouse. However, an approved Form I-130 is not an application for change of status as provided in 8 C.F.R. 244.2(f)(2), and does not render the applicant eligible for later registration. There is no evidence of record that the applicant has a pending Form I-485, Application for Adjustment of Status.

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.

It is noted that the record of proceedings reveals that the applicant, following denial arrested on entry by the US Border Patrol, Mc Allen, Texas, on January 22, 1990, was placed in removal proceedings, and on October 26, 1995, an Immigration Judge granted the applicant voluntary departure in lieu of Removal on/or before March 6, 1996, with an alternate Order of Deportation to El Salvador, if the applicant failed to depart the

as required. There is no evidence in the record that the applicant departed the United States by the specified date.

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.