



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

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 23017108

Date: NOV. 16, 2022

Motion on Administrative Appeals Office Decision

Form I-821, Application for Temporary Protected Status

The Applicant, who is a national of El Salvador is seeking to re-register for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254a.

The Director of the California Service Center denied the Applicant's initial TPS request in 2003 for abandonment, because the Applicant did not respond to a notice of intent to deny (NOID), requesting her to submit evidence of eligibility for TPS. In 2005, the Applicant filed the instant Form I-821 indicating that she was re-registering for TPS. The Director denied the Form I-821, concluding that the Applicant was not eligible to re-register for TPS, because her initial TPS request had been denied. We dismissed the Applicant's appeal of that decision in 2007 on the same ground.

The matter is now before us on a motion to reopen. In the motion, the Applicant states that she did not receive the NOID because by the time it was issued she had already moved to another address. She explains that she only recently learned of the reason her initial TPS request was denied, and about a possibility of reopening her case despite having failed to meet the motion filing deadline. The Applicant further states that she has collected additional evidence of eligibility and requests that we reopen her initial TPS application.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

Upon review, we will dismiss the motion. The Applicant has not overcome the grounds for the denial of her TPS re-registration request.

As discussed in our previous decision, individuals seeking re-registration or renewal of TPS benefits must establish as an initial matter that they had been granted TPS. 8 C.F.R. § 244.17(a). In addition, the relevant notice published in the Federal Register¹ provides that TPS re-registration is limited to persons who registered for TPS under the initial designation of El Salvador and whose applications

¹ See *Extension of the Designation of Temporary Protected Status for El Salvador; Automatic Extension of Employment Authorization Documentation for El Salvador TPS Beneficiaries*, 70 Fed. Reg. 1450, 1451 (Jan. 7, 2005) (announcing a 60-day TPS re-registration period s from January 7, 2005, through March 8, 2005)

have been granted. Here, the Applicant did not have TPS when she filed the instant Form I-821 in 2005 because her initial TPS request had been denied in 2003. She does not claim and the record does not show that the denial was subsequently overturned, or that she was otherwise granted TPS before filing the instant re-registration request.

We acknowledge the Applicant's statements and the additional evidence she submits. However, there is no basis for the Applicant to re-register for TPS absent a favorable reconsideration of the 2003 TPS denial decision, which is not before us.² Consequently, the Applicant has not established that reopening of her TPS re-registration application is warranted. Her re-registration application will therefore remain denied and her appeal dismissed.

ORDER: The motion to reopen is dismissed.

² The Applicant would have to seek reopening of that decision before the Director of the California Service Center.