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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 148 70618]

**JUL 12 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.

*Cindy M. Gomez*  
for

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial TPS application was denied by the Director, Vermont Service Center. An appeal before the Administrative Appeals Office (AAO) also was dismissed. A subsequent application for re-registration was denied by the Director, California Service Center, and is now before the AAO on appeal. The appeal will be dismissed.

The applicant is a citizen of Honduras 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 after the initial registration period under CIS receipt number EAC 03 212 53901. The Director, Vermont Service Center, denied that application on December 2, 2003, because the applicant failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The director noted that the applicant only submitted letters of good character reference, which were not sufficient to establish his eligibility. The director also denied the application because the applicant had failed to establish his eligibility for late registration.

On December 22, 2003, the applicant filed an appeal from the denial decision. The AAO dismissed the appeal on May 24, 2005, noting that the applicant had failed to submit sufficient evidence to establish his eligibility for late registration, and that he had also failed to submit evidence of his continuous residence and continuous physical presence in the United States during the requisite time periods.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 25, 2005, and indicated that he 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, 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 in a Form I-213, Record of Deportable/Inadmissible Alien, the applicant indicated that he entered the United States illegally and without inspection on August 1, 2000, at Calexico, California.

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.