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FILE:



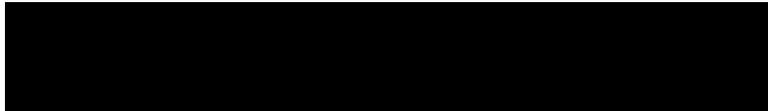
Office: CALIFORNIA SERVICE CENTER

Date: APR 03 2006

[WAC 05 070 77203]

IN RE:

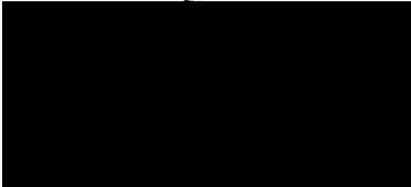
Applicant:



APPLICATION:

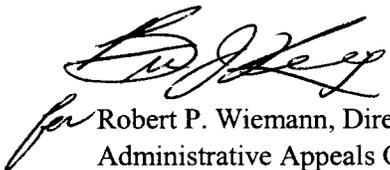
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.

  
for Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is stated to be a native and 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 Citizenship and Immigration Services (CIS) [receipt number EAC 02 253 54274.] The director denied that application on January 26, 2004, after determining the applicant had failed to establish he was eligible for late initial registration.

It is noted that in a letter dated March 22, 2004, counsel acknowledged that the applicant did not meet the requirements for late initial registration but argued that his client believed that he had properly filed an initial application after relying upon a person who was a "notorio" to file his application in the proper manner. Counsel explained that unfortunately, the applicant has no documentation to prove that he filed a timely application for initial registration. Counsel complains that the Director, Vermont Service Center improperly rejected an appeal that was filed by the applicant on October 4, 2004. However, review of that untimely-filed appeal reveals that the applicant provided no documentation along with the appeal showing that he was eligible for late initial registration.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 9, 2004, 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 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.

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.

Beyond the decision of the director, the applicant has provided insufficient evidence to establish that he is a national or citizen of Honduras. He has provided a copy of his birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a)(1). Therefore the application shall be denied for this additional reason.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.