



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

M1

FILE:



[WAC 05 147 78398]

Office: CALIFORNIA SERVICE CENTER

Date: APR 03 2008

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 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".

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 a citizen and native 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 SRC 03 099 53833.] The director denied that application on May 29, 2003, after determining the applicant had failed to establish he was eligible for late initial registration. On April 16, 2004, the Director, AAO affirmed the Texas Service Center director's determination and dismissed the applicant's appeal.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 24, 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.

The record reflects that on his Form I-821, Application for Temporary Protected Status, and on his Form I-765, Application for Employment Authorization, signed on June 27, 2002; the applicant stated that he entered the United States on February 10, 1998. However, he also forwarded a copy of his Republic of Honduran passport issued to him in Honduras on April 19, 2002. The applicant's statement as to his date of entry and his submitted evidence showing he was issued a passport outside the United States subsequent to his claimed entry casts doubt upon the validity of the evidence forwarded by him for the record. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Beyond the decision of the director, it also is noted that the applicant has provided insufficient evidence to establish his continuous residence and continuous physical presence during the requisite time periods. 8 C.F.R. § 244.2 (b) and (c). Therefore, the application cannot be approved for these additional reasons.

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.