



U.S. Citizenship
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: APR 03 2008

[WAC 05 105 78842]

IN RE:

Applicant:

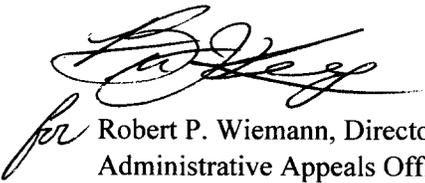


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


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 Form I-821, Application for Temporary Protected Status, after the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 03 201 55483.] The director denied that application on October 27, 2003, after determining the applicant had failed to establish he was eligible for late initial registration.

The applicant filed the current Form I-821, on January 3, 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 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.

It is noted that the record contains the applicant's Federal Bureau of Investigation Identification Record showing that he was arrested under the [REDACTED] the following offences:

1. Arrested on May 24, 1997 by the Metro-Dade Police Department in Florida, for "Traffic Offense-DUI"
2. Arrested on June 22, 1997 by the Metro-Dade Police Department in Florida for: "Traffic Offense-DUI," and "Resisting officer-By Disguise"
3. Arrested on September 30, 1997 by the Metro-Dade Police Department in Florida for: "Traffic Offense-DUI"
4. Arrested on July 10, 1999 by the Miami Police Department in Florida for: "Alcohol Consume Near Store Selling Alcohol CNT," and "Drink in Public Municipal Ordinance"
5. Arrested on November 27, 2004 by the Metro-Dade Police Department in Florida for: "BW Driving Under the Influence," and "BW Driving Under the Influence"

However, the final court dispositions of these arrests are not included in the record of proceeding. CIS must address these arrests and/or convictions in any future decisions or proceedings.

It also is noted that the applicant has provided insufficient evidence to establish that he is a national or citizen of Honduras. The applicant has provided a copy of his birth certificate. 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).

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.