

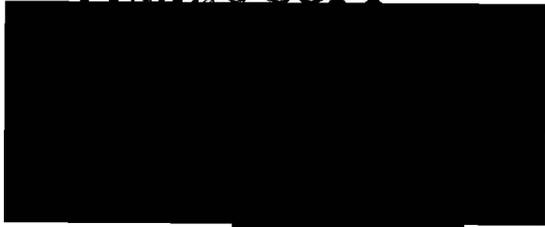


U.S. Citizenship  
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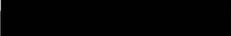
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: APR 10 2006

[WAC 05 082 75466]

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.

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 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 during the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 99 144 51557.] The director noted the applicant had been convicted of grand theft auto, (a felony), and committed to prison for two years. The director denied the application on November 6, 1999, finding the he had been convicted of a felony or two or more misdemeanors committed in the United States.

It is noted that when he initially filed his application, the applicant admits to his felony conviction that was the basis for the director's decision cited above. The applicant states that he was arrested in 1989 for grand theft and that he was confined in prison for 13 months.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 21, 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.

It is noted that the record contains the applicant's Federal Bureau of Investigation Identification Record showing that he was also arrested for the following offence:

Arrested on May 31, 2003 by the Sanford Police Department in Florida, for "DUI alcohol or drugs 1<sup>st</sup> off," a misdemeanor.

However, the final court disposition of this arrest is not included in the record of proceeding. As this appeal is being dismissed because of the applicant's other conviction that is disqualifying, any additional questions raised by the applicant's driving under the influence arrest need not be further addressed at this time.

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.