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**U.S. Citizenship
and Immigration
Services**

M1

FILE:

[WAC 05 078 71446]

Office: California Service Center Date:

DEC 27 2006

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, Chief
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 citizen of Nicaragua who is applying for 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 late initial TPS application on July 20, 2004, under CIS receipt number SRC 04 203 54661. The Texas Service Center director denied the application on September 14, 2004, because the applicant failed to submit evidence to establish eligibility for late initial registration for TPS. The record reflects that the applicant filed an appeal on October 14, 2004. The Administrative Appeals Office director dismissed the appeal on October 4, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 17, 2004, and indicated that he was re-registering for TPS. The director, California Service Center, denied that application on July 23, 2005, as the applicant's initial TPS application had been denied and the applicant was not eligible to apply for TPS.

On appeal, the applicant states that he entered the United States in 1997, and he would like the opportunity to be legal in the United States. With his appeal, in an attempt to establish eligibility for TPS, the applicant submits copies of 12 money transfer receipts; an automobile insurance policy Declaration Page, from Security National Insurance Company, showing insurance coverage from May 21, 2001 to July 14, 2001; and a copy of a blank "Official Receipt" from [REDACTED]

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.

Beyond the decision of the director, it is noted that although the record of proceedings contains a Nicaraguan birth certificate and English translation, the certificate was not accompanied by a photo identification to establish the applicant's nationality and identity as required by 8 C.F.R. § 244.9(a)(1). In addition, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States from December 28, 1998 and his continuous physical presence since January 5, 1999. Therefore, the application will also be denied for these 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 TPS 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.