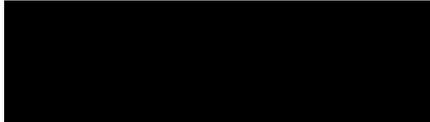


**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

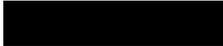


U.S. Citizenship
and Immigration
Services

PUBLIC COPY



MI

FILE: 
[WAC 05 090 80713]

Office: CALIFORNIA SERVICE CENTER

Date:
JUL 25 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 California Service Center. Any further inquiry must be made to that office.


for 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 (AAO) on appeal. The appeal will be dismissed.

The applicant claims 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 an initial TPS application on June 25, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 210 54090. The Texas Service Center (TSC) Director denied that application on September 17, 2002, because the applicant failed to establish her eligibility for late initial registration. The director also determined that the applicant had failed to establish her continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999. The record does not reflect that the applicant filed an appeal from the denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 29, 2004, and indicated that she 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.

On appeal, the applicant states that she did not register for TPS until 2002 because she could not afford the fees while paying for the attorney and immigration fees. She states that she does have evidence that she has resided and been continuously present in the United States as required, and has complied with paying taxes. In support of the appeal, the applicant submits additional documentation consisting of CIS receipt notices for her TPS and employment authorization applications; Internal Revenue Service tax forms for 1999 through 2004; a billing statement dated October 10, 1996; earnings statements dated in 1997; and Social Security Administration letters dated March 25, 2002, and February 18, 2005, indicating earnings for the years 1996 through 2003, with 2004 not yet recorded.

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, she 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 director's decision does not explore the possibility that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;

- (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparole; or
 - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for Hondurans was from January 5, 1999 to August 20, 1999. The record reveals that the applicant filed the current application with CIS on December 29, 2004.

To qualify for late registration, the applicant must provide evidence that during the initial registration period, she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). As noted above, the applicant's initial TPS application also was filed outside of the initial registration period, and was denied, in part, for that reason. Because the applicant has failed to establish her eligibility for late initial registration, this application also must be denied for this reason.

The director also determined that the applicant had not submitted sufficient evidence to establish her continuous residence in the United States since December 30, 1998, and her continuous physical presence since January 5, 1999. The documentation submitted on appeal, in combination with the other evidence of record, reflects that the applicant has established that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c), and the applicant has overcome this finding of the director.

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.