



U.S. Citizenship
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Services

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FILE:

[WAC 05 103 70790]

Office: CALIFORNIA SERVICE CENTER

Date: JUL 11 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.

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 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 02 197 55790. The director denied that application on October 11, 2002, after determining that the applicant had failed to establish he was eligible for late initial registration.

A subsequent appeal was dismissed by the Director, Administrative Appeals Office, (AAO), on January 15, 2004. The Director AAO affirmed the director's determination that the applicant had not established he was eligible for late initial registration and also determined that he had not established his continuous residence and continuous physical presence during the required periods. Two subsequent untimely motions to reopen were also dismissed by the Director, AAO.

The applicant filed the current Form I-821, on January 11, 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.

It is noted that, in removal proceedings held on May 2, 2002, an Immigration Judge in Miami, Florida, ordered the applicant deported "in absentia" to Honduras.

The applicant's Federal Bureau of Investigation fingerprint results report shows that on June 12, 2003, the applicant was arrested by the Miami Police Department for "DRIVING UNDER THE INFLUENCE." The final court disposition of this arrest is not included in the record of proceeding. CIS must address this arrests and/or conviction in any future decisions or proceedings.

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.

ORDER: The appeal is dismissed.