



U.S. Citizenship  
and Immigration  
Services

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: **MAY 15 2006**

[WAC 05 083 76471]

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 summarily 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 EAC 99 244 50828. The Director, Vermont Service Center, denied that application based on abandonment on May 19, 2000, because the applicant had failed to respond to a request to submit evidence to establish continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999. The case was subsequently reopened based on a motion to reopen filed by the applicant. The Director, Vermont Service Center, again denied the application on June 8, 2004, after determining that the applicant had abandoned her application based on her failure to appear for fingerprinting. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 22, 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.

The applicant makes no statement on appeal. She checked the block: "I am not submitting a separate brief or evidence."

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

*Summary dismissal.* An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding. Accordingly, the appeal will be summarily dismissed.

It is noted that the record of proceeding contains a copy of Form I-862, Notice to Appear, that was previously furnished by the applicant in an attempt to establish continuous residence in the United States during the requisite period. The Form I-862 was issued on December 3, 1997, in Brownsville, Texas, indicating [REDACTED] under file number [REDACTED] entered the United States without inspection on or about December 3, 1997.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The appeal is summarily dismissed.