

U.S. Citizenship  
and Immigration  
Services



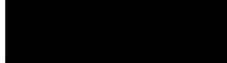
identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

M1

**PUBLIC COPY**



FILE:



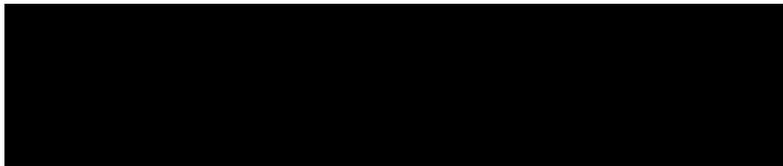
[WAC 05 062 79851]

Office: CALIFORNIA SERVICE CENTER

Date: MAR 20 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 99 194 51450.] The director denied that application on September 14, 2004, because the applicant had not provided the final court dispositions for his arrest on May 9, 1993, for the possession of cocaine, a felony, and for the possession of marijuana, a misdemeanor, both cases determined on June 1, 1993 (Agency Case Number [REDACTED])

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 11, 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 on appeal, the record contains a traffic citation form Issued by a Deputy Clerk of the Circuit and County Courts of Dade County Florida, dated September 16, 1993, for the applicant indicating that he had received Uniform Traffic Ticket Number [REDACTED] on November 8, 1989. The form indicates that this ticket led to the suspension of the applicant's driver's license for failing to comply with a traffic citation. The applicant has not submitted the court disposition(s) or explained the circumstances of this traffic ticket for the record.

It also is noted that the applicant has provided insufficient evidence to establish that he is a national or citizen of Honduras. The applicant has provided a copy of his birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a)(1). Therefore, the application is denied for this additional reason.

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.