

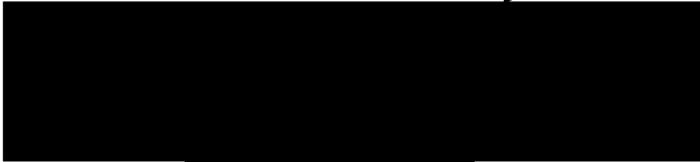
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U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 098 71651]

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 08 2006**

IN RE: Applicant: [REDACTED]



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 stated 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 a Form I-821, Application for Temporary Protected Status, after the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 03 191 54339.] The director denied that application on September 10, 2003. A subsequent appeal was accepted by the director, Texas Service Center (TSC), as a motion to reopen. On July 13, 2004, the TSC director affirmed her previous decision denying the application, after noting that the applicant was encountered while entering the United States at Brownsville, on July 2, 2002. The director found that the applicant had not established that she had been continuously physically present in the United States since January 5, 1999 and that she had continuously resided in this country since December 30, 1998.

The applicant filed the current Form I-821, on January 6, 2005, 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.

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, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

It also is noted that the applicant has provided insufficient evidence to establish that she is a national or citizen of Honduras. The applicant has provided a copy of her 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).

It is noted that, in removal proceedings held on January 23, 2003, an Immigration Judge in Miami, Florida, ordered the applicant deported "in absentia" to Honduras.

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.